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ROYAL BATAVIA SOCIETY OF ARTS AND SCIENCES

THE EFFECT OF WESTERN INFLUENCE

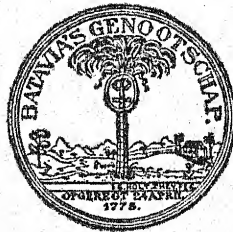
*on native civilisations in
the Malay Archipelago*

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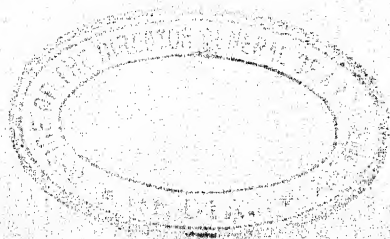


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INTRODUCTION.

At the Third Pan-Pacific Science Congress (Tokyo 1926) a resolution (No. 16) was carried that:

"the utilization of anthropological knowledge be made a subject of prime importance for discussion at the next Congress".

"With reference to this resolution and in accordance with clause 2, Article 13 of the Constitution of the Pacific Science Association", the President of the Third Pan-Pacific Science Congress asked the editor of this book (by his letter of February 9th. 1927) "to assume the chairmanship of the Committee on Anthropological Knowledge and, in the capacity of Chairman, to organise the Committee".

This committee was formed in order "to call on those anthropologists and others who are known to have practical ideas relative to the needs of native peoples, asking them for brief summaries of their views and suggestions as to more definite utilization of anthropological knowledge" and "to make a compilation of these views which shall be distributed among those to whom it may be of interest and value".

On considering the important task with which I was entrusted, it appeared to me that the preliminary discussions devoted to this subject during the previous congress, were not of such a nature that the resolution could, at the present juncture, be put into effect in its entirety. In my opinion, in the first place, the problem had to be as clearly defined as possible, otherwise the discussions would probably assume the character of theoretical speculations or stray into the sphere of politics — a sphere which lies outside the field of action of this scientific congress. Therefore, in order to comply with the condition "that the utilization of anthropological knowledge be made a subject of prime importance for discussion at the next Congress" and to prepare for a fruitful discussion of this problem, it seemed to me that it would be advisable to precede the "summaries of the views and suggestions as to more definite utilization of anthropological knowledge" with a summary of our experiences in this matter which have been acquired in this area in the course of years. In this way the discussions would be provided with a concrete starting point. The Fourth Pacific Science Congress can then decide whether similar summaries need to be made of the other countries of the Pacific, or whether the foundation now available

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can be regarded as sufficient for the drawing of reliable general conclusions and for the collection of practical suggestions.

The above mentioned considerations explain, therefore, the title of this compilation:

"The effect of Western influence on native civilisations in the Malay Archipelago".

The title reflects the nature of the contents of this work. It is limited, it is true, to the *Malay Archipelago*, but this island empire offers a wide diversity of people which, in turn, provide an extensive range of cultural types and cultural phases, as a result of which the action of Western influence has manifested itself in various ways.

Yet from still another point of view, the problem under consideration is a very complex one. The intensity with which Western influence has manifested itself, directly or indirectly, in the various regions at various times, differs greatly. Further, this influence has its economic, political, religious, cultural, juridical, educational, linguistic, social, medical and demographical aspects. The various contributors, persons with different views of life, have endeavoured to throw a light on these aspects. Each of them is, therefore, naturally responsible for his own points, although every effort has been made to determine and to analyse the factors which dominate this problem as objectively as possible. I should like to express to them my thanks for their valued co-operation.

The missionary Dr. ALB. C. KRUYT, who has worked among the Toradjas of Central Celebes for more than thirty years and who therefore knew these people before their country came under the direct administration of the Netherlands officials, treats of the Western influence on a primitive people from a *missionary* point of view.

Prof. Dr. A.W. NIEUWENHUIS (Leiden) outlines the first period of *medical* contact with the Dayaks, nearly 40 years ago. It was not considered necessary to go into details regarding the wonderful work accomplished by the Public Health Service and by private enterprise (in the latter case especially on the East Coast of Sumatra) since that time, in the interests of the native population. Numerous individual publications are available on this subject. Mr. MIDDENDORP (Civil Service) discusses, from an *administrative* point of view, the difficulties attaching to the inclusion of isolated village communities within the framework of the State ¹⁾, and also the problems at-

1) See also: J. Mallinekrodt, *Het Adatrecht van Borneo* (Leiden 1928).

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taching to modern colonial administration in general. The history of the *administrative organisation in the Outer Provinces* (the islands outside of Java) is the subject of Dr. HAGA's (Civil Service) contribution. Mr. MEYER RANNEFT — now president of the People's Council — treats of the *economic structure* of the population of Java, while Prof. VAN GELDEREN (Professor of Economics of the Faculty of Law, Batavia, and Chief of the Central Statistical Bureau) outlines the economic side of the Western influence, including its *demographical* aspect. Prof. Dr. KOLLEWIJN (Professor of Interracial Private Law of the Faculty of Law, Batavia) shows the *colonial conflict of laws*. Prof. Dr. B. TER HAAR (Professor of Native Customary Law of the Faculty of Law, Batavia) discusses the direct and indirect *Western influences* on the judicature and the *law applied to the native population*. Dr. VAN DER KOLFF (acting Government Advisor for Institutions of Popular Credit and Co-operation) gives *inter alia* a survey of the history of native agriculture. Dr. DREWES (of the Government Bureau for Popular Literature) treats the effect of Western influence on the *native languages*, while the undersigned (now acting Director of the Department of Education) gives a picture of *native society in the transformation period*.

The Royal Batavia Society of Arts and Sciences (founded in 1778) has since its reorganisation in 1925 become a centre for all students of the *cultural sciences* (linguistics, philology, historiography, ethnography, social anthropology, prehistory, archaeology, Islamology, customary law, jurisprudence, economics and sociology) in this country — in the same way as the Netherlands Indian Scientific Council (Natuurwetenschappelijke Raad voor Nederlandsch Indië) has become a centre in the sphere of the natural sciences. In these circumstances the Royal Batavia Society has undertaken the task of issuing the present publication.

Finally, I should like to express my thanks to Mr. H. J. BRIDGE for the translation of these contributions and to Mr. COERT DU BOIS, American Consul General, for his kindness in reading over the English text of this book.

Weltevreden, May 1929

B. SCHRIEKE.

THE INFLUENCE OF WESTERN CIVILISATION ON THE INHABITANTS OF POSO (CENTRAL CELEBES)

BY

Dr. ALB. C. KRUYT,

Missionary at Poso (Central Celebes).

Before we can study the influence of Western culture on the inhabitants of Poso, we must first get some idea of the life of these people as it was before they came into contact with this culture.

At that time the people of Poso lived together in communities, the only ties which kept the communities together being those of blood-relationship. The members of such a community built their houses close to each other and this formed their village. A village often consisted of one or two houses in which a large number of families had their abode. They usually chose a site for their village which was easy to defend against an enemy, for instance the top of a hill which they enclosed with a bamboo fence. These villages, however, were occupied only on the occasion of feasts in the village temple and after the crops had been harvested and the new crops were not yet ready for planting. The greater part of their time was spent in the small houses in the cultivated fields.

The head of the community was not exactly elected by the members, but one of their number assumed this function by reason of his greater sense of responsibility, and his knowledge of the adat, so that he could give advice on all matters when called upon. He was a man of words and deeds who knew how to defend the members of his community when they came in conflict with the people of another village. The people came to him with their problems in the hope that he would be able to solve them. He had to be capable of leading the men now and again when they made a raid. If in addition to this he was not grasping but hospitable and did not hesitate to contribute towards the payment of a fine which had been imposed upon one of his relatives, his influence was far reaching.

A few of the younger members of the clan also came to the fore and these were the headman's assistants, whom he sometimes used for carrying important messages to other places or to arrange matters on his behalf. As soon as the headman became too old, it was evident who was to become his successor and the transfer of authority took place gradually and without difficulty.

The headman was unable to force anybody to carry out an order; this was done by the public opinion. The headman therefore always acted in its spirit and if anyone did not wish to submit to the will of the community, the only thing left for the recalcitrant was to move to another village to which he was also related, for instance on his father's side. As the same spirit also ruled there, he was finally obliged to make the best of it, if he did not want to run the risk of being banished altogether. In the latter case he would be alone, as other communities to which he was not related, were closed to him, unless he was willing to join them as an inferior—a servant.

In this way the community maintained discipline amongst its members who were dependent on one another since they had no refuge outside the community. He who was naturally miserly was forced to give away part of his possessions to another who was in need if the latter asked it. If he refused, he would find that no assistance was forthcoming when he himself was in need. They had to respect one another's feelings as they always had the short end of the stick if they gave way to anger or wilfulness. In addition there was the fear of black magic. In this way they came to think and do as others thought and did and they had a great dislike to anything to which they had not been accustomed from time immemorial.

Economic progress was impossible. Every family in the community had its property, but the other members made claims upon it in case of a crisis in the community or a clan feast. Then the families who had had the most success with their cattle, had to supply the most animals. If a member of the community was in debt, the richest members were first requested to help him out of the clutches of his creditors. If large quantities of a certain article were stored, for instance salt, so many came and asked for it that the supply was soon exhausted. If a person had acquired a special article or implement, this was borrowed so often that he had very little opportunity to use it himself. Refusals were few and far between owing to the fear of being isolated and also out of vanity, as they liked to hear their praises sung.

Owing to the fact that in a community such as that at Poso no new needs made themselves felt, the possession of goods was of little value. What goods there were, usually consisting of pieces of white cotton, were stored in the rice shed, which was also the treasure house, and only used when a fine had to be paid or when the owner or one of his nearest relatives died, in which case a number of these pieces of cotton were buried with him. There was no money in circulation and it was not wanted as they did not know what to do with it. The silver coins which came into their possession, were used as ornaments for the children.

At that time nobody thought of starting coconut plantations. Only a few trees were planted in the immediate vicinity of the houses. Coconut plantations were not started, not only because they were not used to it, but because the times were too uncertain. They never knew when they might be attacked by other tribes in which case the first thing the enemy did, was to cut down the coconut trees.

Such a community was bound to remain at the same level. Development and progress were impossible. Everybody did as he wished, which was to please everybody else.

In 1892 the missionaries started work among these people but all attempts to convert them to things which were different to what they had been used to, ran counter to their conservative ideas. If they listened to the sermons, it was purely out of politeness towards the missionary who was kind to them, and whom they were therefore quite willing to do a favour.

Even after many years the preaching resulted in few conversions to Christianity. Conversion meant isolation from the community, in which they not only felt themselves united with the living but also with the dead, who, before them, had done as they now did. They were of opinion that if the worship of their gods and their ancestors was not maintained, they were doomed to destruction. The God of the Dutch interfered just as little with the people of Poso as the gods of Poso did with the Dutch.

The same idea applied to the schools. For years nobody thought of sending their children to be instructed. Finally a few small schools with from 2 to 8 pupils were started in various places, but their existence was due to the friendship which the people of Poso felt for the missionaries whom they did not like to disappoint any longer. These schools, however, had had no influence whatsoever on the social life of Poso.

Attempts to persuade the inhabitants to plant coconut and coffee trees were unsuccessful. The only one who allowed himself to be

persuaded, was Talasa, the present administrator, who is now a rich man. In all other cases the new ideas were checked by a wall of conservatism.

In 1905 the Netherlands Indian Government abandoned its policy of non-intervention in the internal affairs of Central Celebes. The Poso tribes came under Dutch rule and at first this took place without any resistance on the part of the inhabitants. It was thought that the Government would act in just the same way as the native rulers to whom the people of Poso paid tribute. These rulers did not interfere with the internal affairs and allowed the people to carry on in their own way. When it was found that the Government had other ideas and that it required the people to work, then came resistance. This was however quickly broken after two defended places had been captured by the soldiers. The people then resigned themselves to the new conditions. The collision with the West was violent. They soon became accustomed to paying head tax but the making of roads was a heavy burden to them.

The greatest difficulties in connection with this meeting of East and West were experienced by the chiefs. The European administrative officials took them for men who could order their people to do anything they wanted. We have already seen that this was not the case and that they exercised only adat rights. If the chief gave an order which fell outside his ordinary jurisdiction, the people refused to follow it. They did this now when the headmen, at the instigation of the officials, ordered them to make roads and carry burdens for the military patrols. Time and again the headmen were held responsible for the inhabitants failure to carry out orders, although the headmen themselves were unable to demand obedience.

The chiefs were also held responsible for permitting conditions which were quite natural to them but which ran counter to the ideas of the Dutch administrative officers. It was impossible for the Poso people to regard slaves and freemen in the same light and to give them equal treatment; it was impossible for them to pass judgement on people who had killed a witch or a werewolf, individuals who were placed in the same category as mad dogs. The headmen found themselves in a strange world. They did not know what they had to do and usually preferred to withdraw, but there were few who had any ambition to take their places.

It was necessary for the development of the country to build the houses in more accessible spots, situated on the roads which had been constructed. A general move was the result and this had considerable influence on the people. They did not feel at home in the val-

leys where they could not look out over the surrounding country as they had been accustomed to when they lived on the hills. This move caused many to lose all interest in life, as instead of being able to do what they wanted, they had now to follow instructions. This frame of mind reduced their vitality and must be looked upon as one of the reasons why the death rate amongst the people of Poso was so high during the first period of the Government occupation.

For their own good the people were persuaded to make irrigated rice fields, as up till this time they had been used to growing this crop on dry fields. This order was obeyed with considerable reluctance and the fact that the rice crops which were planted on these fields, were a failure the first few years, was undoubtedly largely due to the lack of interest shown by the people in this new form of agriculture.

Another factor which caused an upheaval in the Poso economy was the payment of taxes. These were fixed for each individual according to the extent of his possessions. The property of many families such as herds of buffaloes and sago trees were not divided up between the members. The total possessions of the whole village were declared and the people requested that the amount of the tax should be calculated after which the community would see that it was paid. The officials, however, would not allow this whereupon the people could not understand why a man was not allowed to bear the burden imposed upon one of his relations. In this way the old community was torn asunder and the people were forced to act as individuals.

The shock which the Poso religion received was none the less violent. To the Western Government it seemed only natural that head-hunting must be stopped immediately, but it was not realised what a deep impression this would make on the people's religion. Head hunting was thought to be necessary to insure good health and successful crops. The temple in every village was erected in connection with the head hunting activities, and feasts were held to celebrate the capture of a new head. The village gods who were supposed to live in the temple, were appeased thereby and brought prosperity. The old people were so thoroughly convinced of this that they firmly believed that if this ritual was discontinued, a heavy death rate and failure of the crops would result.

The people of Poso used to take the bodies of their dead out of their coffins several months after burial, clean the bones and replace them. For reasons of health the authorities decided that this must cease. They were allowed to celebrate the Feast of the Dead which accompanied the cleaning of the bones, but they were not allowed to remove the bodies from the coffins. The authorities did not realize

that in doing this they were banning the essential feature of the Feast of the Dead and the ancestral worship. The people believed that as long as the dead stank, they were not allowed to enter the Death City. This was why the bones were cleaned after which the pure soul was carried to the Death City to the accompaniment of the chants of the priests. What was the use of all these ceremonies, if the soul was to remain "unclean", because they were not allowed to clean the bones.

The contact with the West made the people of Poso feel uncertain of themselves and confused them. They understood little or nothing of the new rule nor its objective. Again and again they unconsciously did things for which they were punished. Spiritually they became uncertain, because the religious rites which for generations they had performed to invoke strength and success in their conflict with nature, had been taken away from them.

In their uncertainty the people turned to the missionaries, whom they knew were kindly disposed towards them and who spoke their language and knew their adat.

From all sides came the requests for teachers and schools. This was not a result of a desire for instruction, but of a desire to be freed from the uncertain feeling as soon as possible. The teachers would tell them what they had to do in order not to come in conflict with the new administration and that the instruction of their children would serve to make them fit for the new conditions. On Sundays a large number of people came to hear the missionaries preach, not because they had any particular desire to hear them, but because they thought that this was part and parcel of the new situation. As the missionaries realized that it was a feeling of helplessness which sent the people to them and not religion, they did not take advantage of the situation to persuade them to adopt Christianity. During the first few years after the arrival of the Government no converts were made.

The uncertain situation in social and religious matters has slowly righted itself. The people had to become accustomed to the Administration and the administrative officials had to learn not to deprive the people of autonomy altogether. This was often done for fear the headmen would take advantage of their power. The task of the missionaries was, therefore, to explain why these orders were given which for the people were incomprehensible. The authority which was taken away from the headmen during the first few years, has now been replaced in their hands. The "court cases" are now again followed with interest by the people as they can now discuss matters with

their headmen and they are tried according to their old adat for as far as this does not come in conflict with the western human feeling.

New interests have been created. After the making of irrigated rice fields had saved the people on several occasions from famine, and when the rice on the dry fields failed while that on the irrigated fields was successful, the people began to realize the importance of this system. Rice culture has therefore developed rapidly and by the sale of this produce economic progress has been made. Further the sawahs (rice fields) have been instrumental in causing the people to seek a fixed abode and as a result the village now forms the centre of the social world.

By encouraging the planting of coconut and coffee trees, numerous small plantations of coconut trees have been made on the sea-shore, while in the hill districts every village has its coffee gardens. Due to this prosperity the everyday needs have also increased. At night the houses are illuminated by oil lamps; sewing machines are used in many homes and the prosperity is shown in better clothing.

Living conditions in the properly equipped houses are much more hygienic and general health conditions have been improved by the use of neo-salversan. In the capital, Poso, there is a hospital in charge of a military surgeon and at Tentena there is an auxiliary hospital run by the Mission. The improvement in the public health is accompanied by many difficulties. In the first place the scattered nature of the settlement is a great drawback: little can be accomplished with a hospital and the doctor would have to make long trips. In the second place the inhabitants themselves are not yet accustomed to the hygiene but in this respect the schools are doing good work since instruction is given in hygienics.

It has been explained above how, as a result of the action of the administrative officials, the people came to attend the meetings where the gospel was preached. With the majority of them there was no question of any religious desires and yet this custom resulted in their becoming acquainted with the Christian teachings. After a few years small groups presented themselves for baptism. This movement continued so that at the present day the greater part of the people of Poso are Christians.

From the very start the Mission adopted a policy of leaving the people to the old ways and customs as much as possible so that they felt at ease. All customs which did not actually come into conflict with the principles of Christianity, were not interfered with. Their national dances which form practically the only recreation of these people, were not forbidden in the conviction that as soon as the spirit of

Christianity has penetrated more deeply into their minds, the sinful features which often accompany national amusements will, also disappear. Marriage, which in the old community was a civil affair, was also left unaltered. The Mission exercises a certain amount of influence on the moral side of the marriage by consecrating it and this can be refused in cases of couples who, owing to immorality, do not come into consideration. However, this refusal has nothing to do with the actual legal marriage ceremony performed by the headman.

Important ceremonies to which the people of Poso were greatly attached and which could be vested with a Christian mantle were allowed to remain. The harvest festival is still celebrated and has assumed the character of a Thanksgiving Day. As the most treasured possession of these people is their cattle. No objection was made to the annual celebrations in honour of these beasts. The heathen character of this ceremony, which consists of magic acts to promote the welfare of these animals, is slowly receding into the background and will eventually disappear altogether, while the essence of the ceremony is faith in the Lord of heaven and earth.

As regards the Death Feasts, the pious regard for the dead had to be preserved and cultivated while the conviction which the heathen cherished at these feasts that the dead would help them in their work in the field had to be removed. This conviction was the reason why the Death Feast was held, in the old community, in October or November, as then the fields were cleared ready for planting. The Christian feast has now been fixed for Easter Monday, at a time when the crops are full grown and almost bearing fruit, so that the assistance of the dead is no longer necessary. In this way it was possible to consecrate the feast to the dead without any side-purpose and the strongly developed feeling of piety of the Toradjas was satisfied. A new feast for these people is Christmas which has become a national celebration and which also includes the non-Christians.

A feeling of responsibility is fostered among the people by allowing them to decide on municipal matters. The nationalisation of Christianity is promoted to a great extent by the training of young natives as teachers, so that fewer strangers are required for these positions. The latter can never be one with their flock and therefore they can never hope to accomplish for the people of Poso what their countrymen can. The influence of the Christian community on its members is far reaching. In the heathen times the community was the disciplinarian of its members. Misdeeds were kept within limits by the fear of being expelled from the community without any hope of finding a haven elsewhere. The power of the older generation over

the younger was great. Owing to the contact with Western culture the old community has been dissolved into individuals, and if there are still any traces of its influence on the members, they are the results of custom and tradition. The members of the old communities are no longer dependent on each other; they can go where they like. They can now follow their own inclinations and desires and therefore the good qualities of the people are much more evident than they were under the old conditions. The Gospel exercises little influence, personally, on the majority of the Christians for the simple reason that the fact of being a Christian is in their eyes more a renunciation of paganism than the possession of a new belief. But the congregation, which is supported by a few who know more of the gospel, is now the new community, which exercises its influence both morally and religiously on its members. The members have to fall in line with the Christian opinion ruling in the community, if they do not wish to be ignored.

Christianity has also exercised considerable influence on the national development. Although there is no order to that effect, it is the rule that every child of Christian parents shall visit the school. This instruction must be of a strictly national type with the intention of developing the mind. It must not be led in the direction of instruction in certain subjects with a view to obtaining a position later on. This would be fatal for a country such as Central Celebes. The sparse population, and the small opportunities which trade, industry, mining and cultures offer, will always limit the number of official and other positions available. The result will be that many young men will seek their fortune in other countries and there are already signs of this movement.

If we regard the situation in the right light, it can be said that a basis has been laid down both by the Administration and the Mission, for a healthy development of the inhabitants of Poso, both socially and spiritually. This basis is to allow the people to remain in their old atmosphere as much as possible and to let them develop in it. In this way it is possible that the development will take place from within and that the people will be saved from an artificial development which only touches the surface.

TEN YEARS OF HYGIENE AND ETHNOGRAPHY IN PRIMITIVE BORNEO (1891-1901).

BY

Dr. A. W. NIEUWENHUIS

Professor of ethnography at Leyden.

To obtain a good idea of what can be done for the benefit of an Indonesian population, when intercourse with it is supported by a thorough insight into its personality and circumstances, the still primitive parts of the Archipelago provide us with the best data. Where the changing influence of the Europeans and their administration has made itself felt for many years, the specific conditions of primitive life can no longer be ascertained with any degree of correctness. For this reason the writer is thankful to his propitious star for having led him, at the end of last century, among the unspoiled Malays and Dayaks, who lived in the basins of the rivers Kapoewas and Sambas in the Western part of Borneo and of the rivers Mahakam and Kayan in the Eastern part.

My stay in the garrison at Sambas as military surgeon, from 1892—1894, provided me with an excellent opportunity of studying the Malay population of the low lying regions, since my duties included the supervision of the vaccination of the subjects of the Sultan of Sambas, as carried out for many years by a native doctor. The scientific expeditions in the Kapoewas, Mahakam and Kayan districts which followed in 1894, 1896-1897 and 1898-1901, could only be brought to a successful end by rendering medical assistance on a large scale to the Dayak tribes. In this way it was found possible to win their confidence, even when they had never been visited by Europeans before, and to obtain their help which was so necessary in connection with the scientific investigations and the arrangement of extensive collections of specimens. An intercourse of this nature during my five years' stay with the primitive Dayaks was more than sufficient to obtain a thorough insight into their whole existence.

The living conditions of the tribes of Borneo can probably best be reviewed by a glance at the population density which they have attained during the several thousand years that they have been settled there. The density of the population for the whole of Dutch Borneo amounts to 3.5 per square kilometre and varies slightly in the different parts; it is at its lowest in the above mentioned central regions. It is thus very sparsely populated, especially if compared with Java which has a density of 276 people per square kilometre. Whatever the reasons for this may be, it appears that the existence of these tribes is governed by extremely unfavourable circumstances. This is all the more interesting because all populations of a low degree of civilization of a continent or of large islands are similarly very sparse. This is also closely connected with the low state of development. As long as no correct information regarding the inhabitants of the interior of Borneo was available, it was generally thought that the situation was of their own making, their customs, bloodthirstiness and bravery culminating in massacres and their sexual debaucheries having led them to ruin.

Malaria.

As I shall explain, neither of these two factors played a prominent part in aboriginal Central Borneo which I was able to investigate. In the low lying regions these two factors sink to insignificance compared with the serious conditions for the population arising from endemic diseases, especially malaria, and epidemics. An extensive investigation, which I carried out in 1892 and 1893 in the Sultanate of Sambas in the Western part, throws a light on the then existing conditions. As estate doctor, I noticed that several hundred Javanese and Chinese coolies who were clearing the jungle of the marshy plains, were free from malaria, while close by in a settlement of Malays 400 strong, 42 died of acute malaria in two months time. I therefore took advantage of my vaccination inspection trips to investigate the spread of this disease among the population of Sambas ¹⁾. This was done by establishing perceptible swellings of the spleen in children up to ten years of age, who were collected before the inspection in the villages visited. It was also noticeable that the adult Malays and Dayaks of the higher regions of Sambas were suffering from enlargement of the

¹⁾ A. W. Nieuwenhuis, L'Impaludisme à Borneo, in: *Janus*, Archives internationales pour l'Histoire de la Médecine et la Géographie médicale. 1898.

spleen and liver, which under quinine treatment more or less abated, but I was not able to examine these people so carefully as the collections of children. The latter always appeared with the upper part of the body bare and the examination of the spleen soon became part of the vaccination inspection. In this connection the following may be mentioned:

The basin of the river Sambas which was investigated, consists of mountainous and hilly ground with marshy plains, covered with jungle, except for the spots which had been cleared by the sparse population for agricultural purposes. The sultanate of Sambas extends from 1° to $1^{\circ}5'$ north latitude. For our purposes it can be divided into the low marshy plains of the lower river, a strip along the coast and the higher ground. The soil of the plains is composed of a kind of humus and the roots of the trees and in the rainy season it is changed into a sea of mud, often flooded by the river and offering little support to the foot. Near the hills the nature of the soil changes and sand and stone formations are encountered, while in the higher regions, even in the East and South, the soil consists of very old rock formations and the products of their disintegration. In the East these are further covered by volcanic strata. The gold ore veins in the South attracted Chinese adventurers to these parts many centuries ago and their descendants are still there engaged in the agricultural industry. The plains of Sambas are inhabited by the Muhammedan Malays, the higher districts mainly by heathen Dayaks, who also belong to the Malay race.

As the morals of this district, from a public health point of view, do not materially differ from those in other parts of Borneo, it provides a typical example of the conditions of the island. As regards the malaria investigation, it is of importance to mention that it covered only the less intensively cultivated districts of the Malays and Dayaks. Where the ground was dug deeper by the Chinese for their crops in wet fields or for their gold diggings, this malaria investigation was not carried out. The result was that I was able to examine 2919 children for enlarged spleens as symptoms of malaria infection. Of these 2385 lived on the plains and 534 in the higher regions. Among the former 78 had a perceptible spleen, but among the others this was not palpable.

Among the youthful inhabitants of the hill and mountain districts there were only 93 who had no perceptible spleen, while the other 441 showed considerable enlargement of this organ. For the children of the mountain population the disease ratio was therefore 825 per 1000, for those of the plains 32.7 per 1000. These rough

figures do not however provide a true representation of the actual state of the malaria infection.

There were some villages on the plains situated in close proximity to the hills, where the soil showed more resemblance to that of the hills; here 282 children were examined and 72 were found to be suffering from an enlarged spleen. Thus of the 2003 children below the age of 10 years on the plains proper, only 6 were found to have an enlarged spleen, or 2.8. per 1000.

In the higher districts there was also a number of villages where the circumstances were peculiar. One was situated on a ridge 240 metres high and in another an European pepper planter had for years distributed quinine among the population. If the children from these villages are not taken into account, there were 420 children from the hills of which 403 were suffering from an enlarged spleen, or 959.5 per 1000. The difference in the figures indicating chronic malaria infection amongst the children i.e. 2.8 on the plains and 959.5 in the hills, is therefore very striking. This justifies the opinion, which was later on confirmed in Central Borneo, that there is practically no malaria in the marshy coast plains and that in the hill districts the whole population is infected with it.

As a matter of fact it had already been known for some time that large towns situated in the marshes like Pontianak and Bandjermasin in Borneo and Palembang in Sumatra were free from malaria, notwithstanding the fact that these places were infested with mosquitoes. This is also the case in other parts of the world such as South America; the plains of the Paraná and the Amazon are free from malaria.

It is only natural that the health conditions of these two branches of the population of Sambas, are also reflected in their outward appearance. Of two Malay villages, Loeboek-Laga and Sorat, less than an hour distant from each other, but one on the marshes and the other in the hills, the people of Loeboek Laga were healthy looking men and women, whilst those of Sorat were anaemic and weak. Once on a vaccination inspection in the village of Sanggau in the volcanic district, I found myself among about 100 people, none of whom were older than thirty years and there was no reason why the older people should remain in hiding.

Accordingly I was able to ascertain from the tax registers of the Sultan of Sambas, that under ordinary circumstances (without cholera or small pox epidemics) the annual death rate amongst the Malays was 28 per 1000 and amongst the Dayaks 37 per 1000; in times of epidemics these figures were naturally much higher. As many

of the Malays lived in the malaria-infected higher regions. Those who lived on the plains had a lower death rate. I was unable to obtain any correct figures on the birth rate. Soon after the inauguration of medical treatment of the Bahau Dayaks of Central Borneo it was noticeable that the malaria patients greatly outnumbered all others. These tribes live at an altitude of about 250 metres above sea level and owing to the lack of medicine the whole of the population remained chronically infected. It was noticeable that malaria nearly always followed after other factors which had weakened the constitution, such as fatigue, bathing in cold water after a heavy march, indigestion, colds and coughs, and wounds and also after infections such as influenza, anthrax etc. Proof of this was found in the fact that the fever quickly subsided when treated with quinine, but the primary causes remained and took their usual course.

In mountainous regions, situated at altitudes of 600 metres and higher, such as the territory of the Kenya Dayaks in the source of the Kayan River, malaria is encountered to a much lesser degree. Having become accustomed during my years of practice to having many more malaria patients than any others, I was surprised on my arrival there in 1900 to find that conditions were totally different. A large number of dropsical old people requested my help, which I never experienced in the plains, but there were very few cases of malaria and those there were confined to acute cases. The severe mountain climate caused considerable bronchitis which eventually led to pulmonary disease and heart trouble. The Kenya Dayaks further start smoking badly prepared tobacco in their extreme youth which was regarded as a cure for coughs.

Hardly any of the children of these mountain tribes showed any symptoms of enlargement of the spleen. Since bronchitis and its after effects weaken the constitution only in later years, the Kenyas were spiritually and bodily much more healthy than the tribes on the Mahakam; their villages had from 1500 to 2500 inhabitants instead of from 150 to 600 in the case of those on the latter river.

Malaria always exists in Central Borneo in a sub-acute or chronic form. I have never experienced a case of sudden death from malaria among the thousands of Dayak and Malay patients I have treated nor have I seen pernicious cases with coma, severe icterus, nervous symptoms etc. This, and their quick reaction to small doses of quinine, point to a partial immunity, which these Dayaks acquire by enduring the infection in their early youth, without medicine. Even in the most serious cases I have seldom found it necessary to administer more than 1 gramme of murias quinine per day and this was sufficient to

effect recovery in the most chronic cases. To obtain the same results with Europeans 3 grammes per day were sometimes insufficient in Central Borneo and during the campaign in Lombok (1894).

The extensiveness of the malaria treatment carried out by me during my journeys through Central Borneo, appears from the quantity of murias and sulfas quinine which I used, always very economically, i.e. 25 kilogrammes.

On the plains which are situated slightly above sea level, the Malay population suffers chiefly from diseases of the digestive organs as a result of the lack of good drinking water. At high tide and in times of drought the water of the Sambas is brackish for some considerable distance inland and therefore the natives have adopted the custom of sinking wells in the marshy ground of their compounds; the water obtained from these wells, although brownish in colour, does not seem to be injurious, but, as is always the case in this part of the world, the well water is not only used for drinking, but also for washing and bathing purposes, while further the wells are not protected against pollution by surface water. The inhabitants of the river basins are exposed to infectious diseases which are introduced along the river, such as cholera, dysentery and small pox. As has already been mentioned preventive measures in the form of vaccination have been taken in respect of the latter sickness since the middle of last century.

Venereal Diseases.

Next to malaria, syphilis and gonorrhoea are the two worst diseases which exercise their destructive influence on the health of the Malays and Dayaks in Central Borneo. Patients with luetical afflictions came daily for treatment of almost exclusively tertiary forms of skin and bone lues. Although my patients were almost naked, I have never noticed a primary affect nor exclusively secondary symptoms. Further, secondary exanthem such as roxola and papulous eruptions, inflammation of the throat and alopecia syphilitica were not present either. Condyloma on mouth and anus were not often met with amongst the adults, but were very frequent amongst the little children. Cases of definite visceral lues did not come to my notice for treatment except those of the liver. This form of lues among the inhabitants of Central Borneo can be compared to the endemic syphilis which formerly was encountered in several parts of Europe. The Oeloe-Ayar Dayaks to the South of the Kapoewas and the Kayans to the North were equally affected. Amongst the Kayans on the

Upper Mahakam every family was affected. These are readily explained, if we assume their syphilis is hereditary. As regards the neighbouring tribes on the Mahakam, the cases of lues I found appeared to be less numerous, but my stay among them was much shorter.

Many children of luetical mothers were affected with condyloma on mouth and anus and with nose and ear trouble and skin disease only a few weeks after birth; it was therefore obvious that they were already infected at birth.

On the other hand there were people of from 20 to 30 years of age who stated that at this age they had experienced for the first time serious tertiary luetical affliction of skin and bones. These were often proceeded by pains in the arms and legs which can exist or remain independently for years, after the swelling, for instance of the knees has given way to treatment. Radical changes with subluxations may appear in the joints. Generally speaking the cachectical condition as a result of the suffering, was not very pronounced and mostly owing to the nightly pains, lack of sleep and loss of appetite.

Gummata of the osseous system were often encountered and, as a result of the softening, caused many cases of cold abscesses, for instance of the ribs. At the extremities they caused typical fusiform swellings, especially of the tibiae. In the course of years the muscles were also affected which could lead to severe contractures under my treatment. Nervousness caused by lues was not encountered nor tabes either. Cases of tertiary luetical skin disease were only noticed in a few forms. A case of *Rupia Syphilitica* which did not react to ioduret of potassium was afterwards cured by internal application of mercurial preparations.

In treating these patients I made liberal use of ioduret of potassium, which soon brought an improvement in the condition of the patients (who had no medicines of their own for their lues) and finally cured them altogether. Only in cases where this treatment proved ineffectual did I resort to the internal administration of mercurial preparations. There was, however, a difficulty — I did not dare to place this medicine in their hands.

Treatment with antisiphilitica often gave striking results, pains which had been felt for years being relieved and finally cured. This undoubtedly contributed in just as great a degree as the distribution of quinine, towards winning the confidence of the Dayak tribes of Central Borneo in the Europeans, and towards making my scientific trips a success. In this connection it must be remembered that the serious illness of any lengthy period of one of the occupants

of a house constituted a curse for the aboriginal Malay families. The members of the family are so filled with sympathy that they neglect their fields in order to stay with the patient. Further, they buy medicines from their own countrymen and from Chinese, which however are of no use and are often more dangerous than the disease itself. Financially, the family often makes such sacrifices for the benefit of the patient that they bring ruin upon themselves. The striking manner in which confidence in the Europeans was gained and maintained, is evidenced by the fact that the leaders of the military and scientific expeditions who, since 1900, visited Dutch New Guinea from the South and North Coast, availed themselves of the indispensable assistance of the Dayaks of Borneo. After being used to accompanying me on my journeys from one part to another, they accompanied the other leaders, full of confidence, to the far, foreign New Guinea, the existence of which was until then unknown to them.

Since the district of Upper and Mid Mahakam submitted to Dutch rule as a result of our visit, not a shot has been fired, even in later years when the adjoining district of Upper Barito was conquered by military action.

Internal Diseases.

Diseases of the digestive organs are encountered only on a small scale and then usually only in times of food scarcity when unusual kinds of food are collected from the forests or, for example, when damp mountain sago which quickly deteriorates, is eaten. Malaria often forms a complication in these cases in the same way as it is brought about by bad weather. The Dayaks, in their rugged mountain climate, are particularly susceptible to cold winds and rain against which their clothing and houses offer but little protection. Colds and rheumatic pains are often caused by these climatic influences. Among the other internal diseases the frequency of goitre is particularly noticeable. A hypertrophy of the thyroid gland was fairly general among the women. Severe bronchoceles were not so frequent. The administration of ioduret of potassium usually exerted a favourable influence on this goitre. Adult females were given one gramme of ioduret of potassium per day and many of them saw with satisfaction the slender lines of their necks returning.

I have never seen a single case of tuberculosis of the lungs, bones or skin among the Dayaks of Borneo. I can also almost certainly state, that rhachitis is not found as any rhachitic malformation could not have escaped my attention amongst these almost naked tribes. I am

also convinced of the absence or almost total absence of malignant tumours, such as sarcoma and carcinoma, of which I never encountered a single case. On the other hand I noticed fibroma of the skin and in two cases, to judge by the symptoms and objective examination, of the uterus. Beri Beri prevails among the Malay and Dayak collectors of forest produce, on a fairly large scale, but not among the sedentary Dayaks. Infectious diseases like cholera and small pox were not encountered during my stay in Central Borneo. They are much less prevalent in these parts, which are situated far from the coast and difficult to approach, than on the coast where they are introduced in the harbour towns. From previous epidemics, also from Serawak, it appears that once cholera or small pox is introduced into a Dayak village, one third or one half of the inhabitants are wiped out. The rest know of no better counter-measure than to flee to the forests. The neighbouring settlements endeavour, by means of a pantang declaration, to break all relations with a village visited in this way by evil spirits.

We Europeans and our Bahau guides were attacked by influenza on several occasions when we journeyed from the source of the Mahakam to the middle and lower river districts. When the Bahau headman, KWING IRANG, guided us in 1897 to the lower Mahakam, both Europeans and Dayaks were attacked by influenza. Of about 100 people no one escaped the infection, and in the case of the Dayaks malaria complications set in. These, however, disappeared under quinine treatment. In 1899 on arrival in the Lower Mahakam, we were not troubled with sickness, but in 1900 we had only reached the waterfalls in the river when we were infected with influenza. The influenza was then spread by the returning boat amongst the tribes living above the waterfalls and many were infected; however, only in the case of old people and weaklings were there fatalities. It is therefore not surprising that the tribes of the interior are convinced of the danger of the arrival of strangers from the coast, knowing as they do that they often bring sickness with them ¹⁾.

Parasite skin diseases.

The study and treatment of parasite skin diseases among the Dayak tribes of Borneo presents an extensive field for application since these people are affected on a large scale. Dermatitis, as a result of physical or chemical lesions, was not frequently encounter-

1) A. W. Nieuwenhuis, *Quer durch Borneo*, Vol. 1, page 425 etc.

ed, probably owing to the fact that their skin is never covered by clothing and is therefore capable of resisting irritation of this kind from the outside. When treating them for parasite skin diseases I made the startling discovery that the inhabitants of Central Borneo possessed very correct opinions regarding these skin diseases and also excellent methods of treatment. This is due to the fact that in the case of skin diseases the affliction is directly visible.

As this provides an excellent example of the intellectual development of these Bahau Dayaks, who are living under heavy burdens, it will be necessary for me to give a more detailed account of their opinion on this matter than was the case with the other diseases.

They distinguish four different kinds of skin disease, of which three are distinguished by European doctors while the fourth is a new form. In the first place the Dayaks call Pityriasis versicolor "litak" and the Malays "panoe". On their dark skins it appears as light spots, sometimes as large as the human hand, owing to the infiltration of the upper layers.

Tinea circinata is known by the Bahaas as "ki oerip" and by the Borneo Malays as "koerab". It is localized especially on those parts of the skin with thin epidermis. Tinea imbricata known as "ki laan" by the Bahaas and as "loesoeng" by the Malays is encountered as a typical skin disease throughout the Indian Archipelago, especially among the lower civilized races. It originates, by preference, on the skin with thick epidermis and can spread over the whole body with the exception of the arm pits and under hanging breasts. The palms of the hands and the soles of the feet are also immune.

The skin diseases cited above can be cured by means of anti-parasitic media. The skin of the brown races then shows a dark discoloration owing to hypertrophy of the pigment which does not disappear and which imparts a sooty colour to the skin.

On my return from the first trip through Borneo in 1897 I succeeded in finding again the pathogenic mould which MANSON had discovered and in growing it in the laboratory of the Government Botanical Gardens at Buitenzorg. I also made successful injections with it. ¹⁾

During the treatment of skin diseases in Central Borneo I was very surprised to find that the Dajaks distinguished a fourth kind of skin disease in addition to the three already known, which is known by Bahaas as "ki ow". It is an affection of the palms of the

1) Archiv für Dermatologie und Syphilis 1898.

Geneeskundig Tijdschrift voor Nederlandsch Indië 1898.

hands and the soles of the feet which prevails extensively among the natives of the Indian Archipelago. It gives rise to the troublesome chops, imperfect callous formations and discoloration of the skin, but was not yet recognised as an independent form of parasite skin disease by the European doctors. It appeared that this native view was correct and that it was actually an independent syndrome.

The first stage is best observable on the still soft skin of the palms of the hands and soles of the feet of children, where it appears in the form of small, irritating blisters, in which under the epidermis there is a serous fluid. Only the palms of the hands and the soles of the feet are affected; it is not until after several years have elapsed that other parts of the surrounding skin become affected and at a still later stage it causes local, total pigment-atrophy and the creation of a white skin on hands and feet, so well known among natives.

After several experiments with various media such as chrysarobine, sublimate and iodine tincture, I discovered that the last mentioned produced the best and quickest results, probably owing to its volatility whereby it penetrated deeper into the thick callous formations of the natives.

I gave this skin disease, according to its most noticeable quality, the name of *Tinea albigena*, after having discovered the pathogenic mould in Buitenzorg, and since then it has been known under this name in dermatology ¹⁾.

On my return to Europe I was able to make a further study of it and succeeded in growing the pathogenic mould *Trichophyton albiseicom*. With this culture I was able to make a number of infection experiments which were successful and which proved its pathogenic nature ²⁾.

The two effective medicines of the Dayaks for these four forms of skin disease are firstly the leaves of the *Cassia alata* which are also used for this purpose in other parts of the Archipelago and secondly minjak pelandjau (Malay), a black, oily liquid, smelling like tar, which flows out of the black heart-wood (duramen) of the tree of the same name. If allowed to stand, a semi-solid mass segregates from the fluid, which is applied to the skin in its original unadulterated form and which exerts a strong corrosive action.

De Dayaks mix this stuff (tanah pelandjau) with sugar cane sap before using it as a medicine for their kis ³⁾.

¹⁾ Geneeskundig Tijdschrift voor Ned. Indië, Vol. XLIV, No. 6, 1904.

²⁾ Archiv für Dermatologie und Syphilis, Vol. LXXXIX Heft 1.1908.

³⁾ A. W. Nieuwenhuis, Quer durch Borneo, Vol I, p. 449.

This gloomy illustration of the diseases inherent to the Dayaks and Malays of Borneo could still be carried further — into the realms of obstetry and gynecology, and to the care of the children etc. but I do not wish to conclude however, before mentioning their ignorance of methods to stop bleeding. For this reason small wounds affecting arteries often prove fatal. I once had the opportunity of saving the life of a Dayak on the Kapoewas who had bled for five days from an arteria tibialis postica. This appeared to have been half severed behind the ankle whilst the leg had been bound up above the wound in a very ineffective manner. On another occasion a man was brought to me on the Mid-Mahakam, who had severed an interassea between his thumb and fore finger and whose relatives had not succeeded in stopping the hemorrhage.

I was told on this occasion of a man who bled to death after having cut his foot.

Manners and Morals.

This extreme lack of care in hygienic matters provides us with an example of the living conditions among people of a low degree of civilization living in the tropics and also of the manner in which they have to conduct their agriculture, cattle breeding, household industries, hunting and fishing. The construction of their houses and boats, their weaving etc. provide more than sufficient material to illustrate the crudeness of execution. In view of the conditions mentioned above, their bodily strength is comparatively low and is furthermore applied under very unfavourable conditions. The absence of any form of division of labour lessens the useful effort to no small degree. It would take us too far to illustrate this and reference may be made to my work "Quer durch Borneo" in which full details will be found of the influence of the ill effects of the heathen religion of these tribes on their existence.

Owing to their eternal strife and quarrels with the surrounding tribes they are entirely isolated from contact with the latter, as though they were surrounded by a wall; their relations with the coastal districts, which will be dealt with later, prevent them from obtaining easily primary necessities of life.

Trade Relations.

However, it is not only disease and causes of disease which play such a great role in the welfare of these tribes. For all those who live farther from the coast there is the additional problem of providing

for their food in times of scarcity. For example, take the two simplest kinds of food which are absolutely essential to every inhabitant of Borneo — rice and salt. In the coast districts there are always regular supplies at the disposal of the inhabitants, be it at slightly higher prices; in the interior this is different. In the olden times, before the domination of the Europeans, the tribes living here were practically isolated from the coast owing to the danger of the means of communication and to the action of the coast Malays. They cultivated their own rice in the dry fields, ate this if the crop was a success or went hungry if it failed.

The Mahakam district on the East Coast provided me with a good idea of the situation as it must have been everywhere in the old days. Here also the rivers are the only trade routes and the Malay population of the lower stream forms the link for the supply of goods to the upper regions.

In the same way as the Malays think nothing of making a profit from 30 % to 100 % on transactions between themselves, without anybody raising objections, the circumstances determine the amount of profit to be made from others. When the Malays trade with the Dayaks it is for these Muhammedans a great satisfaction and honour to be able, by means of tricks and deception, to take advantage of the heathen.

Where this leads to is best illustrated by the manner in which the Bahau tribes on the Upper Mahakam have to provide their salt. The geographical position of their country and the river Mahakam indicate that the logical way of obtaining their necessities would be from the lower river, but notwithstanding the accessibility of this place, the price of salt for the Dayaks at Oedjoe Tepoe, the terminus of the shipping service, was so high that they made a trip over the waterfalls and mountain ranges, occupying months, in order to obtain salt from Sarawak or Upper Barito, which was under European government, notwithstanding the difficulty of transporting it over such difficult country. At that time the salt was sold by the Sultan of Koetei, who had the monopoly at Samarinda at the mouth of the river, at f 9. per picul (61 K.G.); at Oedjoe Tepoe the price was about f 12.50 higher, according to circumstances; at the waterfalls of the Mahakam the price in 1897 was from f 25.— to f 30.— whilst on the Upper Mahakam I was only able to buy salt from the Malays settled there at f 2.50 per kilo or f 150.— per picul. These were all cash prices and since the Dayaks had to exchange forest produce, bezoar stones, fabrics and boats for the precious salt, they actually gave much higher values for it.

Ordinary imported rice which cost from f 4.50 to f 5.— per picul at Samarinda, cost me in December 1900, under ordinary circumstances just below the waterfalls, f 16.— per picul. Above the waterfalls the price was f 20.— to f 25.— Javanese tobacco which cost f 13.— at the mouth of the River Mahakam, was sold at the waterfalls for f 35.— and f 40.— In the higher regions the Malay merchants demanded f 60.— and more.

These exorbitant prices also indicate the conditions under which trade was carried on between the coast and the interior on the Mahakam river and mutatis mutandis, in other parts of Borneo. On the coast the prices were already higher than Java owing to the import duty and then are further increased by transport duty for their shipment into the interior, levied by Koetei and difficult transportation owing to the danger factor and the inferior boats. Further, there is the peculiarity of the trade that practically everything is bought on credit, thus causing debts which, although they do not bear interest, are never quite paid off as to the principal.

Nature of the Malay Community.

In order to obtain a good idea of the living conditions of the aborigines of Borneo it is not sufficient to know these within the territories, occupied by the Dayak tribes and within the Malay kingdoms. The mutual relations existing between the races are also of great importance. Without European influence the unlimited scope of the human passions of a few of these in power among the Malays dominates the situation, while state interests are placed very much in the background. Only the fear of murder and revolt prevent further excesses.

The illustration of the conditions as I encountered them on the Kapoewas and Mahakam should be preceded by that of the nature of the Malays and the Dayaks, for the reason that many misapprehensions exist on this point. We find the clearest illustration in the Malay kingdoms on the West and East Coasts. They are inhabited by people who live preferably by trade, fishing and (formerly) piracy and who resort to agriculture only out of necessity and who produce very little of an industrial nature. For centuries the Malays have been in contact with people of a higher culture, but the masses of many of the kingdoms are not distinguished in development and manner of living from the degenerate Dayaks who are their immediate neighbours. Poverty is even greater among them than among the original Dayaks. Only a few merchants in the principle towns,

usually foreigners and the prominent members of the ruling houses, enjoy a greater prosperity. The latter, however, is not founded on possessions which they have gained themselves, but on the exploitation of the Dayaks. The greatest obstacles in the way of the development of the Malays are their aversion to regular and continuous work and their passion for gambling and cock-fighting. If necessity forces them they are able to work well for a time but as soon as the pressure is removed gambling and idleness form a doubly strong temptation.

On the Mahakam, slavery in its worst form i. e. slavery as a result of debts, was still encountered. The tradition and continuation of this institution exercised the most enervating influence on the community, founded as it was on the misfortunes and weakness of character of fellow-men and often of their innocent women and children. These unfortunates were held captive in their terrible plight by means of tricks and deceit. The preponderance of the Malays over the Dayaks was due to their greater spirit of enterprise and courage, assisted by the possibility of concerted action resulting from their despotically organised kingdoms which they have established at strategic points at mouths of the tributaries of the rivers, the gateways of communication with the Dayak territory. By means of their trade relations they provided themselves with better weapons and other implements which they purchase from more cultured peoples. The rule of the sultans is a heavy burden on the whole of the population but especially on the conquered heathen Dayaks. Owing to the polygamic tendencies of the rulers, the number of the descendants of the ruling house, who believed themselves to be within their rights in living at the expense of others instead of from their own labours, has greatly multiplied. The possibility of parasitism on the Dayaks, against whom all forms of extortion were allowed, relieved them of the last incentive to work.

Nature of the Dayak Community.

The burden which the Dayak community has to bear is of a different nature. As already mentioned, misconceptions existed and still exist regarding their personality. To explain this it is necessary to mention that they were previously based on cases of Dayaks who had been subject to the Malays for a long time and who had, therefore, lost their original characteristics, for example the tribes on the Barito and many on the Mid Kapoewas. The development of their character was therefore most surprising in the

deepest interior where the people were not affected by outside influences and could progress in their own way. The Bahaus of the Upper Kapoewas and of the Upper and Mid Mahakam are peaceful farmers and form tribes of from 600 to 1200 people spread over a very large area which, as we have seen, is connected with the hygienic and cultural conditions existing among them. Slender, well-built people, they are very tenacious in their work and very skilful in applying their strength. As a result of their activities they have succeeded in attaining a certain standard of welfare notwithstanding the heavy burden they have to bear. Owing to the dangerous state of the country, they built strong long houses like forts, in which hundreds of people are accommodated. The arrangement of the house interiors, especially those of the larger and better situated families, indicates that they are thrifty and fond of personal comfort.

Their craftsmanship has created industries the products of which have won fame not only throughout Borneo but much farther afield. Those which the Malays can use such as boats, swords, sword hilts and scabbards and formerly linen also, are sold to the Malay courts. Their agricultural industry, like that of the Malays, is conducted on dry fields. The longer one lives with these tribes, the more one is impressed by the remarkable personality of these people. Although of a lively nature and living together by hundreds in one house, one never hears them quarrelling or wrangling. The Bahaus drink alcohol beverages on only one occasion during the year which is made from rice which is allowed to ferment for two days. Owing to the freedom which the youth enjoys prostitution is unknown. Their love of gambling is rather childish and in places where the Malays have introduced cock-fighting, these events are held primarily for sport and not for gambling. The mild form of slavery, to which the prisoners of war are reduced is also a result of such characteristics. Only the headmen owned slaves, sometimes as many as a hundred or more, but one had to live for years among the Dayaks to be able to distinguish the slaves from the free men, without asking. They were adopted as servants of the family, but if there were many of them, they lived like the free Bahaus in separate rooms. They were then required to work only a certain number of days for the headman, while the most intelligent and industrious could become priests, advisors of the headmen or leaders in battle. In course of time most of them married and were then admitted to the tribe.

As real farmers they are peaceful and industrious, but they are not enterprising nor brave nor do they realise the value of joint action

as the Malays do. Owing to the difficulty with which they eke out their tribal existence under the influence of the climate, disease, and their low state of civilisation, they have probably suffered more psychologically than physically and have therefore become extremely afraid of their natural surroundings, the influences of which they see daily in their agriculture. Like many other tribes they ascribe this to an army of spirits which they imagine exist in all prominent places. Misfortunes, disease and adversity are regarded as punishments inflicted by these spirits at the command of the chief god, for offences committed on earth. Influenced by this conviction, they have developed their pantang system and their foretold belief until it dominates their lives.

Their weak personality causes them to fear their fellow-men in a way which is difficult to understand. The fear of being humiliated in the eyes of their neighbours is almost sufficient to prevent crime and offences against good morals in the settlements. People from the coast districts who seek escape with them, can remain long in their midst at their expense, provided they make themselves welcome by selling quack medicines or by juggling. If these are the wild, blood-thirsty, brave warriors of the Pari or Bahau tribes of whom their enemies on the Upper Barito, Kahajan and Melawi have always lived in fear, then I must come to the conclusion that bravery, in the European sense of the word, is still undeveloped among these tribes.

Their head-hunting custom would seem to contradict this statement, but, when we consider the extensive measures which are taken to prevent injury to themselves, this contradiction has only a semblance of validity. In this connection see "*Quer durch Borneo*," Vol. II, page 266 etc.

If we take all these circumstances into consideration, we can realise in what a state of anxiety the women and children live. Rumours of attacks by head hunters from elsewhere keep the population of Central Borneo in a continuous state of unrest. I once witnessed on the Upper Mahakam how, upon the sounding of what later proved to be a false alarm, more than 100 families fled to the forests, their most valuable goods being always packed in baskets, ready for immediate flight. The Kenya tribes did not dare settle on the left bank of the river Kayan, which was unpopulated.

The Influence of the Malays on the Dayaks.

The above description of the Dayaks does not apply to the tribes that live in the neighbourhood of the Malays and are subject to their

rulers. The exploitation of these heathen tribes by the descendants of the Malay rulers has robbed these Dayaks of their relative welfare and civilisation. The Malays made of these tribes a people which is scarcely able to provide its barest needs and which, generally speaking, is so degenerate that even a revolution in its existence would not be sufficient to raise it from its state of decay.

That this must be regarded as a secondary condition, appears from several powerful tribes in the neighbourhood which have been successful in maintaining their independence. They possess, practically everywhere, well-built houses, important property such as gongs and other valuables and full rice sheds after a good crop, while the headmen have gold jewellery and often gold coins. This provides a picture which is similar to that of Central Borneo. As the conditions on the Kapoewas are the result of relations which have existed in Borneo since time immemorial and also on some of the other large islands of the Archipelago, I had during my trip on the Mahakam the opportunity of witnessing the behaviour of the Malays towards the tribes of the interior. Down stream was the Sultanate of Koetei which, however, did not extend far upstream which bordered on the territory of the (till then) powerful Bahau (Pari) Dayaks, who had settled both below the waterfalls and above them. Until the latter part of last century the Sultan of Koetei had made no serious attempt to conquer the Bahaus. However, by levying heavy import and export duties at the mouth of the river on incoming necessities for and outgoing products of the tribes in the hills, he attained his object to a certain degree. These relations might have continued indefinitely had it not been for the high value realised on the world market for getah pertja and rubber from the forests of the Mahakam, which awakened the desire of the Sultan's family to extend its territory up stream. They did not, however, include the territory of the Bahaus above the waterfalls in their plans. On my arrival there in 1896 no delegate of the Sultan had dared to penetrate as far as that.

Conditions on the Mahakam.

The first step towards extending its power was taken by Koetei in 1870, when LEDJU BELA, the principal headman of the Bahaus was taken prisoner when on a visit to Tengaron which was accomplished by means of a false charge of headhunting. A couple of years later, the Sultan forced him to adopt the Mohammedan religion under the name of Raden TEMENGUNG. Even with his help the actual influence of Koetei in the Bahau country did not increase and the Sultan

therefore requested the principal Bahau headmen to visit Tengaron with a view to discussing the supply of material for the construction of a palace. They arrived with their wives and children and many followers, but were not allowed to return up the river; they were held captive for years and set to work in the palace, where they had to earn their own living. They had to surrender their valuables to the Sultan who then had a wonderful collection, including very valuable old beads.

In 1890 cholera broke out on the Lower Mahakam with the result that nearly all the Bahaus were affected and very many died. Of the three principal headmen LEDJU BELA, although sick, escaped in a boat up the river. He was overtaken by an armed steamboat belonging to the Sultan, but the Malays did not dare to attack the fugitives, who drew their swords and declared that they would rather die than return to Tengaron. Shortly after his arrival at Oedjoe Tepoe, LEDJU BELA died.

His brother JOK of Lirong Tika at the foot of the waterfalls died at Tengaron. His son BANG JOK took his body to their native village, buried it there and then fled with the whole of the tribe to the waterfalls where I found their settlement.

LALAU of Long Medang died with his family at Tengaron, with the exception of his son, DING LALAU who managed to escape. When I arrived at the Upper Mahakam, he was living there.

The son of LEDJU BELA, also named DING, succeeded to a large extent in keeping the Koetinese out of his territory, but since 1890 he admitted gangs of forest produce collectors from the Barito. The latter cleared the forests of the Bahau headmen who received 10% of the proceeds. Large quantities of this produce were transported to the Barito thus escaping the export duty at Koetei. In 1895 the Sultan requested the Bahau headmen to expel these gangs from their country. They did not agree to this request, but BANG JOK, convinced of the approval of Koetei, caused the well-to-do Barito Malays to be killed and took possession of their goods. In 1896 five Bandjarese of Kiham Halo suffered the same fate at the hands of his slaves. In 1899 two of these were killed by Punans and Kenyas and also a Bahau in the Rata while shortly after two on the Medang were killed by Kenyas. However the Barito gangs were not driven out of the country.

Yet they still felt the competition of the Koeteinese and the Buginese, who as collectors of forest produce were situated farther down the river. Although these wild gangs were well armed and mutual enemies, DING LEDJU prevented serious conflicts but the

presence of these gambling, cock-fighting and drinking strangers exerted an unfavourable influence on the Bahaus below the waterfalls and the agriculture and rice crops suffered accordingly.

Gambling and cock-fighting for large sums attracted the Bahau men, while the women were tempted by the easy flowing money of the strangers. The result was theft, jealousy, and revenge. DING LEDJU died in July 1897 and this was a sign for Koetei to make itself master of Mid Mahakam in its own manner. Multitudes of Koeteinese and Buginese spread themselves over the country, partly, under leadership of the members of the house of the Sultan. Raden GONDOL had broken all bounds in Tengarón and was now sent to the upper districts with an escort of well armed slaves, the majority of whom were men who had sought safety in the palace after having committed some crime and had remained there as dependents. He settled at Oema Mehak and forced the daughter of the headman LALAU to give his men the exclusive clearing rights of the forests of the Medang. In the meantime he passed the time with cock-fights, without, however, paying his losses, and he established a gambling hall for the collectors of forest produce and the merchants who were forced to play, so that when I arrived in 1899 with my companion BARTH, we found a gambling den on a large scale. Yet the Raden and his most notorious followers had deemed it advisable to leave before we arrived. From 6 a.m. till late in the night a large crowd congregated here to gamble and comparatively large sums changed hands. Cock-fights and cards helped to bring variation into the programme.

The inhabitants of Oema Mehak had suffered considerably at the hands of Raden GONDOL as he stole their chickens for his own use, killed their pigs as being unclean and held house to house searches for valuables after the manner of the Kapoewas Malays. If any were found, they promptly became his property or that of his followers.

A troop of Kenyas under their headman IBAU ANJÈ came from the Upper Kayan to collect a quantity of forest produce on the Mahakam that would enable them to buy salt and tobacco. This they did and Raden GONDOL paid them in kind, but he advised them to visit the Sultan of Tengarón before their departure and to leave their goods with him until their return. The Kenyas did this, but on their return they were told that everything had been stolen while GONDOL, relying on his weapons, refused to make any compensation. On three occasions he sold one of his slaves to the Siangs of Upper Barito, who were then independent, to be tortured to death on the graves.

Elsewhere similar settlements had also sprung up, so that it was not long before it was an easy matter for the Sultan to force the Bahau headmen to swear allegiance to him by granting them high-sounding Malay titles. BANG JOK refused at first, but in 1899 he became afraid of us when we arrived from the Upper river, because of the number of murders he had committed. In Tengaron he was forced to swear allegiance and whilst gambling was robbed of everything he had brought with him.

The result of this supremacy of Koetei in a country, which till then, had been outwardly peaceful notwithstanding the many antagonistic elements, was remarkable. A drastic change took place. Apart from daily fights and minor crimes, I may mention that in August 1899, when BANG JOK returned from Tengaron, he gave the Kenyas and Punans permission to go head hunting on the Rata, where two Malays of the Barito and one Bahau were killed while the next month three Bandjarnese with large quantities of goods were murdered near the rapids in the Mid Mahakam. Shortly after, two Buginese were killed and a woman injured at the mouth of the Merah. Out of revenge the fellow countrymen of these victims assembled and killed three Bandjarese on the Rata in January 1900. When the Kayan headman, TAMAN DAU, acting on the advice of BANG JOK, had killed two Bandjarese in the Upper Medang, the latter withdrew from the Mahakam. Out of revenge they murdered a man and injured a woman on the Mahakam in February 1900 while in March a Barito-man killed a well-to-do Buginese on the Upper Rata and robbed him.

The beginning of the Government Settlements in East Borneo.

While the Buginese and Barito people were making serious preparations to fight on a large scale, news was received that "Controleur" BARTH was going to establish his headquarters at Long Iram in the middle of the unsettled country and this actually took place in June. The hostilities and murders stopped immediately without his taking any further action.

Next year, in 1901, an outpost of armed native policemen was established among the Kayans above the waterfalls and in this way the whole of the Mahakam district was placed under Dutch rule by one European official. This occupation of the upper river entailed Koetei's submission. After the source of the river Kayan had twice been traversed by civil service officials, a military detachment was posted there. The establishment of Dutch rule which included

practically the whole of East Borneo, has during the quarter of a century which has since elapsed, never given rise to resistance or revolt.

The reason why these people, who had never been visited before (except by G. MULLER who was murdered by them, in 1825) submitted to Dutch rule, is not difficult to trace. It is based on the mutual close acquaintance of the scientific European, as representative of his civilisation and the Dayak in his own environment. A short explanation will make this clear. The scientific expedition of 1894, consisting of three scholars and myself as doctor, was under the leadership of a civil service official and was to try and reach the East coast from the Kapoewas along the Mahakam. With an escort of 30 armed Malays the trip was undertaken. At the water shed the reports from Upper Mahakam were so alarming that it was decided to return. The Kayan-Dayaks of the Kapoewas, who accompanied us as rowers and carriers, told me that it was the armed escort which had frightened the population of Upper Mahakam. They guaranteed to take me in safety, if I went on without an armed escort. This was done on the trip through Borneo in 1896/1897 with an European zoological collector, von BERCHTOLD, an European photographer, DEMMENI and two Javanese plant collectors from Buitenzorg. The whole of the equipment was based on the collection of ethnographical, zoological, botanical and geological specimens.

We stayed for months with some of the tribes and these then accompanied us to their relations further on until KWING IRANG of Upper Mahakam escorted us to the East coast where we arrived after an absence of 15 months. The interview which this headman had with the assistant resident VAN ASSEN of Koetei, moved the Government to adopt my proposal of making the trip again to introduce a "controleur" in the Upper Mahakam district and to try and visit the Kenya tribes in the region around the source of the river Kayan.

At the beginning of 1898 I therefore again repaired to Pontianak in the company of the "controleur" BARTH with four armed Malay policemen, the photographer DEMMENI, a topographical surveyor, BIER and zoological and botanical collectors. Having navigated the Kapoewas by steamboat we assured ourselves of the assistance of the Kayans and journeyed with them through the Upper Kapoewas over the watershed and were received by the headmen on the Mahakam side, who had already been informed of our approach. Here we remained to arrange new scientific collections for which the help of

the inhabitants was obtained and properly rewarded. Frequent visits to other tribes also helped to strengthen the mutual confidence. It was not until the following year that KWING IRANG was able to conduct us to the East Coast where we arrived in June 1899. The "controleur" and his men now left the expedition in order to report to the Government; in June 1900 he settled down at Long Iram as civil official of Upper and Mid Mahakam. It must be remembered that previously none of these tribes would work for strangers and even now they maintained the opinion that they and their headmen led us where we wanted to and where they thought it advisable. This was certainly a guarantee for our safety, but a great obstacle to our mobility was their highly developed feeling of responsibility. We could go nowhere that our hosts thought it at all dangerous.

Trip to the Kenyas.

It was also for this reason that the preparations for the trip took a year. On the one hand all the tribes of the Upper Mahakam wished to visit the Upper Boeloengan, their original country Apo Kajan, with me, but on the other hand they were greatly afraid as there was only one man who had ever been there and the relations had not improved as a result of the head hunting raids carried out by both sides. In addition their customs prevented them from undertaking a journey without detailed preparations of a religious and household nature. Only KWING IRANG and his Kayans accompanied us in September 1900. The out trip took until October and our stay among the Kenyas until December, when the return journey was commenced in the company of several prominent Kenya headmen who were opening up the way for their people to safer and therefore cheaper markets for salt, tobacco, cotton etc. On their trading trips to the river Batang-Redjang and the river Barom they had hitherto always been ambushed by the Hiwans of these parts. Now that there was a power on the Mahakam which maintained order, more and more Kenyas descended to the Mahakam for trading purposes, especially now that owing to the free competition among the merchants of all nationalities at Oedjoe Tepoe, totally different prices were asked. The opening of a Government salt warehouse contributed in no small a degree to this state of affairs.

In the Upper Mahakam the arrival of our small commission in 1898 heartened the population, especially when we were able to free it of a few troublesome strangers who had sought safety among its

members and then abused the hospitality. The headmen did not feel capable of banishing these strangers themselves.

Even the Pnihings, who live at the highest part of the river, soon came down in large parties to take advantage of the new orderly situation.

Just the presence of a "controleur" and about 50 armed native policemen in a district twice as large as Holland was sufficient to awaken a feeling of peace, hitherto unknown, in the heart of every family; they were all able to work peacefully at their agricultural pursuits and clothes and important items of their daily food have become much cheaper.

As regards hygiene, with such a scattered population, we have to face tremendous difficulties in order to introduce lasting improvements. Free medicine, vaccination for infectious diseases and the establishment of a doctor at Long Iram was all that could be done in this direction at the moment. It created certain conditions which were very much better than of old, when the sick fell a prey to the many strangers who by selling quack medicines assured themselves of an excellent source of income.

Leyden, April 1928.

N. B. For the present day work done by the Government in the medical and hygienic field see the publication: *"Control of endemic diseases in the Netherlands Indies" 1929.*

The effect of Western influence.

THE ADMINISTRATION OF THE OUTER PROVINCES OF THE NETHERLANDS INDIES.

BY
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1. *Administrative survivals of a mighty Sumatran Kingdom.*

The Netherlands Indies, now a typical tropical agricultural colony, with approximately 50 million inhabitants, is 63 times the size of Holland, which has a population of about 7 millions. It is divided into Java (and Madura) which has a population of more than 35 millions and the Outer Possessions with 15 million inhabitants, distributed over an area which is about 58 times as large as the area of Holland.

How are these 15 million people governed?

History can teach us a great deal of value in understanding the present situation. GABRIEL FERRAND says in his "L'empire Sumatranais de Çrivijaya p. 185: "Les relations occidentales sur l'Insulinde de la fin du XIIIe et du XIVE siècles (Marco Polo, Odoric de Pordenone) et des siècles des découvertes (relations portugaises, hollandaises, anglaises et françaises) présentent généralement Java comme une île riche, prospère et d'antique civilisation; Sumatra au contraire, est un pays de sauvages et d'antropophages".

BARUS (in Sumatra) was mentioned for more than 2000 years by various sources of history. Chinese data (see: GROENEVELDT's "Notes on the Malay Archipelago" 1876) tell that Palembang in Sumatra, shortly before 700 A.D., was an important scientific centre, Prof. KERN deciphered numerous inscriptions and obtained considerable information, and yet how little we knew of the history of the Outer Possessions ten years ago when Prof. COEDES was able to give us the correct meaning of two words: Çrivijaya and Çailendra, known to us from inscriptions. Then an empire (Çrivijaya under the dynasty of the Çailendras) arose before us, which appeared to have existed from

about 650 to about 1300, of which the capital was Palembang (where a Buddhist university was established for centuries) and which included the whole of Sumatra, the greater part of Java, the whole of Malaya and large parts of Further India and even some parts of India proper. Çrivijaya probably came into existence in the place of a similar empire Malayu, of which the present Minangkabau was the centre (see a.o. FERRAND, *l'Empire Sumatranais* p. 159).

It is now no longer a wonder to us what the Chinese FAHIEN (in 414) and the Chinese YI TSING (from 671-695) report. The latter learned man, who spoke old Malay, who studied Sanscrit for some time in Palembang and who stayed there with more than 1000 monks, considered that to be one of the best spots in the world to study Sanscrit. It is difficult to believe that in olden days hundreds of money changers walked the streets of Palembang.

Elsewhere we read (FERRAND p.7) of a fleet of 35 Persian ships which left Ceylon in 717 for Çrivijaya (thus Palembang), stayed there five months and then continued its voyage to China.

In 860 a Sumatran ruler BALAPUTRA founded a cloister at Nalanda on the plains of the Ganges. See: Dr. BOSCH in T.T.L.V. 1925 p. 559, who on p. 562 states "that the pilgrims from Çrivijaya who visited the holy land in the middle of the 9th century and stayed at Nalanda were so numerous that it became necessary to build a special cloister to house them". On the following page Dr. Bosch says: "The pilgrims from the "Countries of the Southern Ocean" participated in the world traffic which had its centre in the plains of the Ganges; there they came in contact with the spiritual movements and influences which congregated there from all parts of East Asia".

Historically, it has become apparent that Sumatra is a country of unlimited possibilities; it has a glorious past with its Malayu Empire before 700 and its Çrivijaya from 700 to 1300. Thereafter, at the end of the 13th century, the rising Javanese empire of Modjopait succeeded in establishing its power in Sumatra and practically the whole of the Outer Provinces. It was the poet PRAPANCA, who in 1365 in his laudatory poem (*Nagarakertagama*) summed up the names of the territories which at that time were the dependencies of Modjopait and included practically the whole of the present Dutch East Indies and Malacca.

From the above it will be seen that even before 1300 the Outer provinces had for centuries played an important part in the history of the world. Sumatra was even the centre of a great empire, the existence of which was unknown prior to 1918.

This knowledge is of great importance to the present rulers of the Outer Provinces and will help us to understand the survivals of the old history of the Indonesian peoples. Also, as regards direct matters of administration, there are several facts which had previously been discovered but which have only recently been more clearly outlined. One of these facts (see FERRAND on p. 183 and 184 of his above mentioned book) shows us, how in the 19th century an old custom relates back to the power which the Sumatran Minangkabau a.o. exercised over the Malay Peninsula. It concerns the statement (important for the administration of both districts) of NEWBOLD in 1839 in his "Political and Statistical Account of the British settlements in the Straits of Malacca", in which he publishes a document drawn up in 1826. FERRAND says of it "c'est une lettre d'intronisation de Raja Labu comme yang dipertuan (lett: celui qui est fait maître, qui est reconnu comme maître, le souverain suprême) des quatre états dissidents de la péninsule malaise qui continuaient à reconnaître l'autorité traditionnelle du Minangkabaw". And further: "Si on se rappelle qu'en 1826, le sultan de Minangkabaw était un simple souverain indigène soumis à la Hollande et qu'il intronisait un autre souverain indigène résidant en territoire colonial anglais, on pourra juger du prestige qu'avait conservé, longtemps après la conquête étrangère, l'héritier des titres et prérogatives du grand empire sumatranais disparu. Quatre yang dipertuan de la péninsule malaise furent successivement désignés et intronisés par le sultan de Minangkabaw; Adil qui mourut en 1795 ou 1796; HITAM mort en 1808; LENGANG LAUT mort en 1824. Raja Labu, intronisé en 1826, ne régna que six ans. A partir de 1832, son successeur fut désigné dans le pays même et on n'eut plus recours au sultan de Minangkabaw. Les exigences de la politique coloniale mirent fin à la pratique qui consistait à demander à un souverain soumis à la Hollande, la nomination du chef des sujets britanniques indigènes de la péninsule malaise".

A more recent relic of the ancient power of the Sumatran Minangkabau Empire over people in other parts of Sumatra are the regular tributes which were still paid in the beginning of the 20th century (including a white horse) by Si SINGA MANGARADJA the priest-ruler of the Bataks; these were sent to Barus where the Tuanku Barus had to send them on to the ruler of Pagaruyung (Minangkabau) but according to Batak data they were finally destined for raja Uti. The latter is probably not the mythical ruler the "Batakspiegel" claims him to be, but rather an historical kaiser whose seat must be looked for in Udiya (Siam) unless the scholars refer us to India

proper or elsewhere. The various conjectures which may be possible are not to the point here.

Although this Uti survival indicates that Sumatra was ruled by a foreign country, the Outer Provinces have also been subject to Java, as we have already seen. As appears from the Nagarakertagama of 1365, the Javanese Modjopait did not exercise directly a centralised rule over the subjects of the Outer Provinces, for this work refers to numerous „dependencies” from Achin to New Guinea.

From various sources we also know that during the many centuries that Çrivijaya ruled the present Outer Provinces, there were numerous small kingdoms and peoples, who were granted the privilege of self-government. These kingdoms and peoples were probably, as they were until a few years ago, ruled by means of villages and village unions, which enjoyed a considerable amount of independence in government and jurisprudence, as is possible with an agrarian state with practically exclusively village communities. Sometimes there were small kingdoms over the village unions and sometimes tetrarchs, who were regarded as a kind of provincial governor.

It is probable that many of the tribes and especially those living in the interior such as the Bataks, Dayaks, Toradjas, Alassers, Gayos etc. have been governed for centuries by administrative systems which were still encountered in 1904 and 1907, when they were discovered to be still practically independent.

2. Four centuries of Western colonial administration.

In the same way that there are still traces to be found of the old imperial Sumatran government of six hundred and more years ago, which have, for a long time, made their influence felt on the administrative conditions in the Outer Provinces, the Portugese colonial administration of the 16th century and the Dutch of the 17th, 18th and 19th centuries have also left their furrows in the Indonesian field. It is especially the influence of this Western administration during the last four centuries which the present administration continually encounters in the Outer Provinces. The Portugese (who for instance as early as 1511 sailed with a fleet from Malacca to the Moluccas) were mainly interested in the spices, but at the same time they tried to introduce their religion.

Nearly a century later (1596) the Dutch put in an appearance. Up to 1800 they ruled through the intermediary of trading company. With them trade prevailed over religion.

3. *Two centuries of administration by a Dutch trading company.*

In 1602 the "Vereenigde Oost Indische Compagnie" (V.O.C.) (Associated East India Company) was established in Holland to whom was granted a trading charter for all countries to the East of the Cape of Good Hope. Dr. E.B. KIELSTRA refers to the organisation of this concern on p. 5 of his book "De bevestiging van het Nederlandsche gezag in den Indische Archipel" as follows: "It was divided into six chambers, established in the places where the companies of which it was composed, had their seat: Amsterdam, Hoorn, Enkhuizen, Delft, Rotterdam, Middelburg. Each chamber equipped its own ships and had its own management; these choose from their numbers a board of 17 people "Heeren Zeventien" which represented the central authority and thus conducted the general management. The capital stock of the company never exceeded 6½ million guilders; any further working capital which was required, was obtained by means of loans. On its liquidation it was found that the company had debts amounting to 136 millions. The first years of trade in the Indies were characterized by exceptional activity. Trading offices (factories) were established on several islands; the Portugese were driven out of the Moluccas. Between the operations of the ships and men there was, in the Indies, very little co-operation and it soon became apparent that a central authority was necessary. In 1609 the first Governor General was appointed, assisted by the Council of the Indies. It was not until 1619 when Batavia was founded that the Governor General had a fixed residence; before then, in the time of the travelling governors, he had been mostly in the Moluccas. In order to maintain the spice monopoly — no other country was allowed to have any part in it — it was therefore necessary, from the very start, that the Moluccas be completely conquered. In other parts however, the Company only desired to have the right to trade i.e. the right to build warehouses and houses for the personnel, defended where necessary against surprise attacks. It was not the intention to obtain sovereignty rights in Java, Sumatra, Borneo, Celebes etc. and the fact that this actually did happen in Java, was a result of various circumstances which arose against the wishes of the Dutch authorities."

These words illustrate the administration of the Company in the Outer Provinces. The rulers and peoples were preferably allowed to retain their self-government and in fact where possible alliances were formed with them.

The relations were not however always of a peaceful nature. Conflicts arose between the Orientals and the Westerners regarding trade matters and competition and the ships were often fired upon. As a result and also for other reasons our settlements were often attacked. In this connection may be mentioned the hong expeditions in the Moluccas, when the spice plantations of the natives were destroyed in order to maintain this trade monopoly.

The central task of the Company was therefore (see KIELSTRA p. 13) firmly to oppose those who directly or indirectly infringed the spice monopoly. This resulted in conflicts with Macassar, the headquarters of the smugglers. This conflict ended with the capture of the place and the neighbouring coastal regions in 1667-69; we established ourselves there in the interests of the spice monopoly and the territorial possession was a secondary matter to which we were indifferent as is proved by the fact that the settlement was not extended.

Settlements were made on the West Coast of Sumatra at Padang and a few other places on the coast, in order to maintain the monopoly (mainly of pepper and all imports). These places had been ceded to us by agreement with the local rulers. That these settlements involved us in the hereditary hate of the Achinese which lasted for years owing to the conflicts with the Achinese smugglers, was a matter of indifference to our government. Here again territorial possession was not the main factor and our authority did not extend beyond the immediate vicinity of the settlements. As regards the other islands outside Java and Madura, it can be said that the Company confined its operations to the establishment of trade settlements; some of the rulers, such as those of Palembang and Bandjermasin, had ceded pieces of ground where these factories could be surrounded by fortifications, but there was no question of any participation in the administration."

With these words KIELSTRA clearly shows the main principles of the administration of the Company in the Outer Provinces up to 1800, and he continues: "Native chiefs, population, trade and shipping all felt the burden of the dominion over exports and imports exercised by us. Is it therefore surprising that a high official who later on became Governor General said in 1655: "There is not a single person in the Netherlands Indies who is well disposed towards us. We are hated by all nations"? Also in the olden times the high officials seemed to dare to say what they saw.

We see therefore how the administration of the Outer Provinces was carried on for two centuries by a trading concern, which ceased to exist in 1800; indirectly its influence on the administrative institutions was strong, but directly it was weak.

4. *Nearly a century of direct colonial State administration.*

The French revolution and the consequences were followed by years of great uncertainty, but as soon as it was decided by the Treaty of London of 1814 (says Prof. VAN VOLLENHOVEN on p. 117 of the "Koloniaal Tijdschrift" of March 1928) that Holland was to regain possession of its overseas territory from Great Britain, the question of the constitutional grouping of that territory arose. The learned writer continues: "During three quarters of the period of the company, the government at Batavia had stood at the head not of a territory, but of a series of scattered establishments stretching from Japan through the Archipelago and India proper to Cape Town; although since the days of VAN IMHOFF (1743-1750) the mercantile system had been more and more replaced by a territorial system, yet the greater part of the East was not yet under Dutch administration, which was confined to the administration of the scattered establishments, factories and forts and a dominant influence over the certain Oriental kingdoms. The name "Governor General of the Castle of Batavia" or "of Batavia" would have been more appropriate and would have indicated the function more correctly, in the same way as England up to 1834 referred to the "Governor General of Fort William in Bengal" in India proper (during the office of Governor BENTINCK.)

On p. 123 VAN VOLLENHOVEN tells us that the "General Commission" changed the restored authority in the Netherlands Indies into an authority over an united territory and continues "It is hardly probable that they knew of the idea of LEYDEN and RAFFLES in 1811, to form in East Asia a great Indonesian alliance of native states. But even if they had desired this, the material would have been lacking. Only part of the Archipelago was covered with native kingdoms and the majority of them had no fixed territory, no fixed boundaries, no fixed circle of subjects and no government task in our sense; they were Indonesian états patrimoines, not a single état nation, only one or two états puissances". On p. 125 he says "From 1816 to 1900 the Indies were actually that strictly centralised union, regarding which continuous complaints have been heard during the 20th century. The central government with its network

of organs is at the summit and tens of thousands of insignificant eastern village communities are right at the bottom and between them is nothing, at least nothing of which the Government is aware. Of the hundreds of Oriental kingdoms there are a few which danceto our pipes and a few have disappeared; the majority have no concern in our administration."

There are, it is true, extenuating circumstances. There is our 19th century hands-off-policy which up to 1870 was also inspired by the relation to England; there was no insight into the relative administrative and judicial power of the rulers and the tribes of the Outer Provinces. There had been no VAN VOLLENHOVEN who had written the standard work "Het Adatrecht". Yet, in my opinion, this is not the principal reason for the lack of intensity of the administration in the 19th century.

5. *Even in the 19th century material circumstances led to a loose administration.*

The main reason is, as was the case in the time of the Company, a material one. In the same way as the trading company came to the Indies to draw direct profits, the Mother country endeavoured in the 19th century, up to the eighties, to obtain the maximum commercial profit possible from the colony. Through the so-called forced cultures and later through forced supplies, a total of 823 million guilders was extracted from the Indies for the benefit of the Dutch treasury. It was not only for political reasons (a.o. the relation to England) that the hands-off-policy was adopted in the Outer Provinces but especially for financial reasons the administration was not intensified. The Privy Councillor Dr. E. B. KIELSTRA wrote in 1920 (p. 40) "From the manner in which the rights of the mother country were regarded during the days of the culture system, it is only natural that the islands outside Java were completely neglected." He then mentions three exceptions i.e. Bangka, which because of its tin mines provided a handsome profit for the treasury every year, the West Coast of Sumatra where in 1833 the forced cultivation and in 1847 the forced supply of coffee was demanded of the population and the Minahassa (N. Celebes) which was also a valuable asset to the treasury because of the cultivation and supply of coffee. But for the rest as little attention as possible was paid to the Outer Provinces. They cost money! The only aim of the government apparently was to establish a nominal authority so that a foreign power, as long as it respected our rights, would

not stretch out a covetous hand towards them. True, on several occasions, circumstances led the government further than it had desired. When this necessitated extension of authority, it was looked upon with envious eyes. The Minister for the Colonies wrote in 1861 "every extension of our authority I regard as a step nearer to our ruin." Hereafter KIELSTRA indicates a few examples such as Bali, Achin and the "conclusion of the Bone expedition whereby Bone was only forced to surrender a small part of its territory and was further regarded as an autonomous vassal kingdom, which for years however did not meet its obligations as such." Up to 1905, when a later expedition against Bone and other Celebes rulers was undertaken, Bone was left in peace. The same applied to other parts of the Outer Possessions and the Government did not interfere or at the most only to a very small extent until the 20th century. Even in 1872 the Minister for the Colonies stated "Extension of our territorial possessions is neither our desire nor our aim." Following on this opinion KIELSTRA remarks on page 42 that "everybody understood that the hands-off-policy in the Outer Provinces could not be maintained indefinitely; where it had been necessary to interfere owing to circumstances, it could not be denied but that both country and people concerned had profited to a large degree. But as long as the Achin war required all available military and naval forces and cost so much money, there could be no question of extending our activities further than was absolutely necessary. It was not until after 1898 and especially in 1904, when the Achinese war clouds had rolled away, that it was possible to start on the work which had been waiting so long to be done: the establishment of real authority in the whole of the Archipelago."

6. *Advantages of the Pax Neerlandica.*

"We may take it for granted that the extent to which the welfare of the native population has thereby been assured, is generally known. Let us mention only one example: prior to 1902 the import and export duties never amounted to more than 12 million guilders per year; the estimate for 1920 is more than 75 millions, whilst the tariffs have not been subjected to drastic amendments. This progress is largely due to the fact that Dutch authority, however imperfect it may have been, has finally been able to provide the population of the whole of the Netherlands Indies with that which it required for its material development: peace. Certainly conditions everywhere are not what we should like them to be but internal

strife no longer exists and there is no more piracy, man-stealing or slave trade, as was the case in the first half of the 19th century."

VAN GELDEREN also refers a.o. on p. 80 of his "Voorlezingen" to the advantages of the fact that we introduced safety and peace and he indicates the tremendous increase in the population which was and is a direct result of this system of pacification. He says that what the Pax Britannica did for British India, by means of peace and order, the Pax Neerlandica did for Java, where our administration was introduced much earlier than in the Outer Provinces.

It was therefore a good thing that shortly before and after 1900 we decided (had to decide) on the real introduction of administration and authority in the Outer Provinces. We are chiefly indebted to the Governors General VAN DER WYCK (1893-1899) and ROOSEBOOM (1899-1904) and especially to VAN HEUTSZ (1904-1909) for the extension of our administration and authority to the Outer Provinces. Beside, it is not improbable, that a central authority would have been formed in the Malay Archipelago after 1500 (in the same way that the kingdoms of Malayu, Çrivijaya and Modjopait were able to maintain their power for centuries), if the European economic and administrative interference had not taken place. Apart from this possibility it remains a fact that our administration in the Outer Possessions has not only put an end to the many internal wars (often village wars) which were still being waged in 1907 in the independent territories, but our more intensive administration and its central organisation provided the possibility of making and distributing vaccines and serums which a.o. put an end to the small pox and cholera epidemics which prior to our arrival recurred regularly and caused the death of thousands of the population. Up to about 1910 the Karo-Bataks for instance told their age by the number of small pox epidemics they had experienced which is evidence of the impression this national scourge, which returned about every 8 years, made on the people.

We can therefore expect a continual increase in the population of the Outer Provinces. This problem should now receive the attention of the authorities in the densely populated areas of the Outer Provinces such as Tapanuli, the West Coast of Sumatra, Bali, South Celebes etc. VAN GELDEREN, referring to the increase in the population, rightly states "The serious side of this is that with this increase no allied increase of the production capacity

automatically occurs. Production organisation, the old village household and the new judicial order no longer belong to each other."

In this way the central government is brought face to face with numerous problems during this transition period, which require organised management by those who are able to review the problems. We shall refer to this again later.

7. *The recognition of our moral obligations.*

KIELSTRA refers further (p. 38) to the causes of this more intensive penetration of the administration in the Outer Provinces towards the end of the 19th century. "It was not known in Holland or at least they feigned ignorance of the fact that in the Indies all expenses for education, public works, police etc. were always kept down to the minimum in order to keep the credit balances as high as possible." "After 1848 and especially after 1863 a change in this direction was noticeable. The mother country still continued for years to lean on the "credit balances". That this system was abolished in 1877 was not due to the fact that our statesmen were convinced of the immorality of this exploitation system but rather to the heavy expenses of the Achin War". I believe however that KIELSTRA's statement is incomplete. In addition to the costs of the Achin war there were the Western plantations which were developing in the Indies and which wanted more expensive administrative police and judicial organs. A striking example is the East Coast of Sumatra in 1863. I do not believe that KIELSTRA is right when he follows up the above statement with "It was not until later, say about 1890, that the majority of our nation realized that in governing colonies we must not allow our desire for gain to get the upper hand, but must place our moral obligations in the foreground." I believe in any case that these moral conceptions are related to the material possibilities, especially to those which the most powerful group regards as its primary interests. What was most important to the invested capital which was increasing rapidly, was peace, order and juridical guarantees which meant better administration, better police and better jurisprudence, and for these the money which had previously gone to Holland was required in the Indies themselves. The more capital invested, the greater the development necessary in the equipment of the administration of the country. The administrative system, especially in the Outer Provinces, was changed as soon as the colonial system was changed. This again was due to the introduction of the steam engine and other technical inventions in Europe; they provided

factories, railways, more intensive shipping and manual labour was substituted by machinery and mass production: greater capitalisation and more intensive colonisation, greater scope for capital and products and cheap transport of raw material and plantation produce. The one works in with the other and so we see that the fate of a small piece of jungle occupied by a primitive tribe in the Indies can depend on an invention of the West. We feel the all dominating factor of the technique very strongly and the might of capitalistic world events. In the Indies the result of all this was that during the last half century hundreds of millions have been invested in sugar, tobacco, coffee, tea and rubber plantations and in the exploitation of tin, coal and oil. In the olden days of the spice trade it was sufficient to occupy the coasts to prevent competition but the later colonial policy, especially the investment of bank capital, requires the construction of roads, the laying of rails and the introduction of machines and demands further a policy of peace, education and development. Here it is clearly demonstrated how technique and capital influence the political and ethical deeds of the people. In my opinion the main reason for the introduction of a more intensive administration in the Outer Provinces during the last half century was not the altered realisation of our moral obligations regarding the draining of the profits from the colony by the Motherland. The influence of powerful personalities, which desired the spirit to dominate over the material, was present and is still observable. The so-called ethical course of men such as VAN DEVENTER, Father VAN LITH, SNOUCK HURGRONJE, VAN VOLLENHOVEN and VAN KOL, has not been without influence on the administration of the Outer Possessions during the last forty years. The realisation of the moral obligations by large religious groups appears also to be of importance to the administrative measures in the Outer Provinces. In this connection may be mentioned the International Missionary Council which met in Jerusalem in April 1928. What will have more effect in the long run than the realisation of our moral obligations, is the realisation of what the native leaders of the people regard as the moral obligation towards their own people. Our deep penetration into the life of the people stimulates response from the races under our domination. It is the period of nationalism, which has been created by our drastic administrative measures, which has now dawned.

In order to illustrate and further elaborate this point we will take as example the administrative expansion in a great part of Sumatra.

8. *Sumatra's East Coast and the hinterland as an illustration of our argument.*

When, in 1863, the first European planter landed on Sumatra's East Coast and commenced cultivating tobacco, it was not long before administrative officials were sent to the rapidly developing tobacco districts, to maintain peace and order and to make arrangements and to administer justice. But administrative officials were not only required in this gradually expanding district which had previously never been populated by Europeans. The still independent adjoining hinterlands, such as that of the Bataks, Alassers and Gajos also had to be included in the administrative system. The cultures in the lowlands were developing rapidly and therefore a labour supply for the Western colonists was necessary; for this a juridical warrant was necessary or in other words the triumph of the right which the conqueror felt was his right. This was only natural as the conqueror could not tolerate that Achinese, who were at war with him, could find a hiding place amongst the independent neighbours like the Gajos, Alassers and Bataks, who had not yet been recognised and from whom there was therefore no redress. Neither could the administration permit that the coolies from the lowlands, who had committed a criminal offence, should find a hiding place in the Batak mountains. Further it could not allow the Karos from the mountains to wage war against the Karos of the lowlands, where the tobacco estates were developing. In the interests of law and order, in the interests of the safety of the colonising conquerors and of the conquered it was an urgent necessity, amongst other things, to establish authority in the whole of the Karo, Toba, Alas and Gajo lands.

It seems proper to state in a sober and business like manner the facts as they are, and not to flatter ourselves with ethical motives.

We Dutch were therefore entrusted with the historical task of governing the Karo lands.

Somebody will probably say "Why not enter into an alliance with the Karo people on condition that they agree, in the interests of the safety of my own people, not to harbour my enemies and to surrender criminals who have sought shelter by them."

No, this was impossible, as the Karos were not the inhabitants of a kingdom with a stable government. The Karo lands, as we shall see, consisted of hundreds of village "kingdoms", independent of each other and always at war with one another and with the

Karos of the lowlands. There were 250 states and it was not possible to sign treaties with 250 states each of 250 inhabitants. This also applied to the Alas- and Gajo-peoples. In the densely populated Toba Batak lands, the problem was even more difficult. There, for instance in the present sub-district of Samosir, 70,000 souls lived in 2000 villages which were not territorially but religiously and genealogically united in village communities. The Karo lands and the last of the Toba lands, the Alas and the Gajo lands lost their independence in 1904-1907, either willingly or unwillingly and were embodied in our centralised administrative system.

9. *A few recent figures of administrative intensification.*

In other districts it was not so much the Western agricultural industry, but the mines or the trade and the shipping (which began to call at more and more coastal points) which demanded a juridical warrant and so, gradually all the Outer Provinces were brought under Netherlands Indian administration or where it had already been established it was strengthened. The administrative expansion during the last few years can be best demonstrated by the fact that the number of Assistant Residents functioning in the Outer Provinces rose from 37 in 1898 to 73 in 1922. The number of "controleurs" and administrators under the Assistant Residents rose in the same period from 145 to 220.

The intensification of the administration is also related to the intensification of the colonisation of the Netherlands Indies. VAN GELDEREN says in his work "Voorlezingen over tropisch koloniale staathuishoudkunde" p. 10 which was published in 1927 "If we compare, for instance British India and the Netherlands Indies we find that in the former country in 1921, of a total population of 319 millions there were 287,000 Europeans (for purposes of comparison including the Anglo Indians), or 7/8 per 1000. This figure for the Netherlands Indies is much higher where of a population of 49 millions in 1920, 170,000 were Europeans or 3½ per 1000. The relative numerical strength of the foreigners is therefore four times as great in our case and therefore we have penetrated much further both in state and industrial life." In this connection we may quote a sentence on p. 50 of the same book. "On this borderland of foreign and native industrial life there are many problems of legislature, credit and agricultural organisation which still await solution."

In any case economic intensification entailed intensification of the administration and it is therefore important to mention here

several facts and figures regarding the latest economical changes; they have already influenced administrative changes and will still demand drastic administrative reorganisations.

VAN GELDEREN quotes on p. 98 the annual import and export figures and export surpluses in 5-yearly periods since 1876 in millions of guilders (of private trade and Government import and export jointly).

Years.	Import.	Export.	Export surplus.
1876-1800	129.3	188.0	58.7
1861-1885	141.9	189.0	47.1
1886-1890	130.3	185.2	54.9
1891-1895	161.8	206.0	44.2
1896-1900	170.1	226.7	56.6
1901-1905	196.7	275.2	78.5
1906-1910	258.4	413.8	155.4
1911-1915	407.4	643.3	235.9
1916-1920	685.2	1338.8	653.6
1921-1924	824.5	1318.4	493.9

These figures, especially those for the last ten years clearly indicate that, as regards the administration, a continually increasing coordination to the new economic situation is necessary. The export figures for dry native rubber also confirm this. In thousands of kilogrammes:

in 1921	6000
1922	17000
1923	36000
1924	56346
1925	85245

This rubber is produced mainly in the Outer Provinces. In the same period the estate rubber production rose only from 61987 metric tons in 1921 to 106047 in 1925. We see therefore, how the native population is coming into closer contact with the world economy. Especially the Outer Provinces are feeling the need of a more diversified administration than existed under the old and almost isolated village economy.

Already the Outer Provinces number more automobiles in proportion to the number of inhabitants than Java. Of the total 51026, Java had 33461, Sumatra 12680 and the rest of the Netherlands Indies 4885 on January 1st 1927. The expansion of traffic and therefore of traffic problems and other related problems, especially

during latter years, appears from the number of automobiles imported into Sumatra: from 1915 to 1926 this amounted to respectively: 218, 251, 337, 257, 385, 579, 746, 364, 539, 1003, 3059 and 3164. These figures for the rest of the Outer Provinces amounted to: 25, 27, 13, 19, 40, 42, 160, 64, 177, 136, 583 and 982. Surely an indication that the spirit of numerous remote districts, especially during the last few years, is breaking away from its isolation. The administration will certainly have to give due consideration to these changes and the traditional exercise of the administration will have to undergo a rapid change. The great number of trucks and buses imported into the Outer Provinces from 1918 to 1926 characterises the new period of rapid transport for the poor man: in these nine years the import figures for Sumatra were: 9, 34, 141, 195, 104, 21, 94, 486 and 1172. In the rest of the Outer Provinces figures were: 1, 14, 13, 23, 24, 19, 31, 95 and 265.

On p. 10, part 1 of the report of the Traffic Commission which appeared in 1928, and from which these figures are quoted, we read that the use of gasoline in the Indies (95 % of which is used for automobiles) in 1926 amounted to 130,397,000 litres. The excise duty, which amounts to 7½ cents per litre, reached a figure of f.7,661,000 in 1925, f.9,780,000 in 1926 and a little more than 12 million guilders in 1927.

The gasoline imported into the Indies was consumed as follows:

	In 1925	In 1926
Java	64.7 %	63.7 %
Sumatra	23.1 %	21.9 %
Rest	12.2 %	14.4 %

The above mentioned commission states: "This indicates that in these years the automobile road traffic in the Outer Provinces, excluding Sumatra, showed relatively the largest increase" The above evidence of the rapid economic development of the Outer Provinces makes it clear to us that the administration must also keep pace with this ever increasing course of development; if it does not do this, the process of evolution will experience a shock. The Outer Provinces are now passing through an extremely important transition period. It must be remembered that the Outer Provinces are not an economic unit. On p. 19 of his lectures VAN GELDEREN refers to the Indies as a pattern book of agrarian development standards and even the native agriculture as "a village or desa economy in various stages of development".

10. *The direct administrative methods cause the traditional society to collapse. The Karo-Bataks as example.*

The Western colonial administration, therefore operates in different regions and upon different groups with varied degrees of intensity. The manner in which our administration influences dozens of tribes in the Outer Provinces, can be very well demonstrated by what has happened to one of these tribes in a short time i.e. the Karo-Bataks. If, therefore, we take the Karo happenings as an example of what has occurred among other tribes in the Outer Possessions where everywhere a similar process is going on, then it will be necessary to take the milieu and the more or less intensive action of the forces into consideration.

There are about 120,000 Karo-Bataks but we are confining our attentions to about 70,000 of them who live on the East Coast Sumatra, in the sub-district of the Karo lands on the Karo plateau. First they lost their independence in 1904 but since then were allowed the privilege of self-government. Having agreed on time and place, we will now endeavour to show that there (and therefore also in other parts of the Outer Provinces where the administration, as already mentioned, has been working on a much more intensive system during the last ten years) the direct means of our centralised Western administration all help to cause the traditional form of society to collapse.

These direct means are:

1. The administrative organisation.
2. The judicial organisation.
3. The taxes (in labour and in money)
4. The police and the prison system.
5. Education.

11. *The Karo society was in 1904 characterised by "Kleinslaterei", by influences of genealogical unities and by "communistic" traits.*

First of all, a short sketch of the society as it was found by our administration in 1904. (See my article in the "Socialistische Gids" of 1922.)

As its process of evolution was entirely different from ours, we shall be able to understand the Karo society only if we keep in view the peculiar characteristics, which our individualistic world in its present status lacks, but which we formerly had also.

In the first place therefore we must point out the influence of the tribe (tribe is used here in the sense of a genealogical group-unit descending through the male line).

The Karos recognise 5 tribes and call them Karo Karo, Tarigen, Ginting, Peranginangin and Simbiring. In the same way that we all know that we are descendants of a legendary Adam, each Karo knows from which tribe he is descended. No wonder, for this is of great importance for the following four reasons:

First, although members of these five tribes are to be found in every village living together, the penghulus, the chiefs, must belong to the tribe ruling in the village and as they decide on matters of war and peace and as the jurisprudence is in their hands, the subjects are often dependent on the views of the chiefs of a certain tribe, ruling in that place. Secondly, the practical meaning of the genealogical division appears from the existence of exogamy; the man only is allowed to seek a wife outside his own tribe (the Simbiring tribe is the only exception to this rule). Thirdly, it is noticeable that as regards land titles the members of the ruling tribe look upon themselves as the real owners. Finally, the importance of the tribal relation appears from the fact that the Karo extends similar hospitality to the members of his tribe as we should extend to our nearest relations.

The influence of the tribe on the social life, outlined above, would seem to give the impression that a ruling tribe dominated the whole village and that the members of the other tribes were more or less servants. This, however, is not the case. The Karo society found a corrective measure a.o. in their introduction of the adat-guarantees, the anak beru senina, an institution which WESTENBERG refers to in his excellent work on adat jurisprudence as "probably the most important and certainly the most typical corner stone of the Karo adat."

Every Karo Batak has an anak beru and a senina, two guarantors, who will always help and stand by him in all matters, and will stand guarantee for all his deeds (with the exception of gambling debts) no matter what their nature. The anak beru has to be chosen from another tribe, the senina from his own tribe. These two functionaries stand by him and even when he is put under oath they swear with him that in their opinion he is not guilty. The old Germans used to adopt this oath-fellowship. We shall often notice that East is East and West is West but social science proves to us how they meet each other again and again. A Karo headman also has an anak beru and a senina. They help him with his work of

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administering justice and share the income in the ratio 4:3:2. The ratio of these adat incomes also gives a fair indication of the ratio of their respective influence in society.

The power of the tribal relationship, outlined above, does not apply to our individualistic society. We still know, however, the power of the village community, even if it is only the relic of the German mark. This is noticeable amongst the Karos in the regulation of the ground rights.

Each village has the right to a piece of ground surrounding the village; anyone living in village A. cannot become the owner of landtitles in the territory of village B.

The power of the village community is also apparent in the system of mutual help. The big houses, for instance, could not be built by a few people and so the whole of the neighbourhood helped to carry the wood and roof covering and to place the heavy beams in position. They did this, knowing that later on when they wished to build themselves, they were assured of their help being reciprocated.

We have now seen the social power of the tribal relationship and of the village communities. We shall now see how a few typical traits distinguish the agrarian Karo manner of production from our own.

In the first place the Karo society does not recognise *fixed employment for wages*; each family provides its own wants. Only salt, cotton and iron had to be brought from elsewhere. Even those who had learnt a trade such as the smith, the carpenter, the professional musician, the professional dancer, the priest-magician and also those in administrative functions, cultivated their own rice fields. Nobody was in the paid service of another.

In the second place there is equality in the housing accommodations of the Karo society; each family occupies 1/8th. of a house which are all equal in size.

In the third place the labourer is the owner of the means of production; there were no factories, no machines belonging to the economically stronger class and everybody possessed his own implements.

In the fourth place, as regards landtitles, a lease system with lessees from elsewhere was prevented by the fact that a person from the village A. was not allowed to possess landtitles in the village B. Nor was a person allowed to sell his ground to another, even in the same village. It was permissible only to sell ground with the right of re-purchase.

These communistic traits give rise to the question whether we are dealing with an ideal society, whether only labour is rewarded or whether art. 9 of the Russian constitution is applicable: "He who does not work shall not eat".

No. Here unearned income is also known. There are four facts which must be admitted and which rob these communist traits of their glamor.

In the first place there was a system of suretyship whereby a person voluntarily, or in the case of a woman or boy, on consent of the head of the family, placed his services or those of a relative at the disposal of a creditor. (Even slavery was not totally unknown, but it was of little practical importance as a Karo can never be a slave to a Karo. Previously slaves from Simeloengoen, Toba and Dairi were sometimes found in the service of the headmen, but only in very small numbers.)

Secondly those who imagine that increase of income by speculation was unknown to the Karos, who had no stock exchanges, will do well to remember that the markets were gambling clubs.

Thirdly the Karo society specialised in the exploitation of women labour. The man lazed around, gambled, played chess, waged war and the woman looked after the feeding and clothing of the whole family, she wove, cooked and did practically all the field work.

Fourthly the right of the strongest, of the mightiest was just as much evident in the Karo society as it is in ours.

The grouping of power and authority was not, as is the case with our capitalism, dependent on money and paid labour, but on the disposition of goods in connection with the genealogical constellation, which gives the right to rule and administer justice. For the poor man, the man without followers or financially powerful relations, it was therefore difficult to obtain justice; for the influential it was sometimes too easy to obtain what he desired. It will therefore not surprise us that in this society with its agrarian communism, notwithstanding the communistic institutions described above, in case the interests of two mighty personalities clashed, war broke out and as the interests of the inhabitants of these small village-"kingdoms" often clashed, war was frequent and even chronic.

The Karos recognised six kinds of deeds of violence, specifically named and distinctly regulated. Rumours of war were therefore always in the air. The people was "ein Volk in Waffen" and

half of the men capable of bearing arms were in possession of guns. ¹⁾

We see that "life is strife".

In the same way that our society has its class conflict, the primitive Karo society also had its contrasts which express themselves in conflict, conflict with the mighty weapons of administrative power and the judicature and of power and load.

12. *The organisation of the Administration.*

Once it had made itself master of the territory, it was the work of the Netherlands Indian Government to introduce another administrative organisation. The organisation which existed, consisted of the rulers of about 250 villages. The smaller villages consisted of one ward, the larger of two or more and sometimes as many as ten; in total there were 500 on the plateau. These wards were the actual administrative units of the Karos. They were also politically independent. If the Netherlands Indian Government had allowed the native administration to remain, unchanged, it would have been necessary to remain in contact with the administration of the 500 wards, in order to govern the 70,000 people. If we then consider that the administration of such a ward was in the hands of an hereditary chief (penghulu) assisted by the above mentioned anak beru and his senina, who divided the income in the ratio 4:3:2, it will be seen that if the Netherlands Indian Government had retained the form of administration it found on its arrival, it would have had to deal with 500 penghulus, 500 anak-berus and 500 seninas. It is quite obvious that a central authority cannot maintain contact with so many hundred petty chiefs all of equal standing.

It was therefore necessary to make radical changes in the old administrative organisation. Larger units had to be found. The people recognised these, for in addition to the independent villages, the majority belonged to village unions (urung) of which there were 15 on the Karo plateau. They were however more genealogical than administrative units.

These village unions consisted of from 10 to 20 adjoining villages and at the head was a council (the bale urung), in which the ward chiefs of all the villages sat and in which the union chief (the siba-jak perbapaan urung), who lived in the mother village, was the

¹⁾ Those interested are referred to my "Het recht van den sterkste op de onafhankelijke Karo Hoogvlakte", published in the transactions of the "Indisch Genootschap" in the Hague (Nov. the 5th, 1920).

primus inter pares. All the chiefs in these village unions had to belong to one and the same tribe. Genealogical, territorial, judicial or political interests could bring the village union into action but they were rarely brought into action for administrative reasons as is shown by the continual internal warfare. The Netherlands Indian Government turned these 15 village unions into what they had never been i.e. purely administrative units as links between the European administration and the administration of the many villages, which thereby lost their old sovereignty. Only the independent villages (which did not belong to such an union) retained their autonomy. The village unions had now assumed another destination but the opinion was still held that the number of chiefs with which the Western administration had to come to an understanding was still too large for administrative-technical reasons. A centuries-old Achinese institution was therefore called into use. In the olden days Achin had appointed four tetrarchs in the Karo lands, as it had done elsewhere (Gajo, Alas, Timur and Tobaland). These were the so-called radja berempat, a title which was given to four influential Karo headmen, but this arrangement as far as the people were concerned had not developed into a vital institution in their social life. Little more than the name remained. The four tetrarchates did not cover the whole of the territory; so a fifth was created. The government now entered into a treaty, the so-called "short declaration" of three articles, with the 5 rulers whom it had appointed. The people were therefore allowed to retain self-government but an European administrative official was stationed in the centre at Kaban Djahe.

Resuming we see that the Western administration for technical-administrative reasons could not maintain the Karo administrative system, that the old administrative institutions had received a blow and had to receive a blow, as the sovereign right of these hundreds of village and ward chiefs could not be maintained.

Practically speaking, the chiefs of the people, who were hereditary tribal chiefs, previously acquired their authority by recognition of the people, from the lowest classes to the highest classes. In future under the centralised administration they acquired their authority from the power which was placed over them. In the old days therefore this authority was extended by favour of the people and by preventive and repressive action of force of arms. Now that force of arms is abolished the people have to bring their complaints regarding their chiefs to the higher authority.

The European administrator and the higher authorities, how-

ever, deal only with the village chiefs when applying administrative measures to the population as it is easier for them to hold one man responsible for compliance with orders or commands. The co-administration of the anak beru and the senina is therefore, and also for other reasons which affect the tribal relations, becoming of less and less importance. Previously these two co-administrators were moved to action by the villagers interested. Now that the administration is regulated from above and not from below, and from one central point, these old adat institutions are losing their power. Although we tried as much as possible to apply ourselves to existing conditions, we brought and had to bring a totally different administrative system. The old one collapsed.

Is the new system better?

This question cannot be answered, but, in any case, it was a necessity. At least it is an advantage that the wars have been abolished and that the power of those, who in the old society abused their authority, has now been bridled by the power of the ruler. On the other hand it is a disadvantage that the chiefs of the wards, villages, village unions and of the five districts no longer need to pay so much attention to the interests of their dependents, as now they do not acquire their authority from their followers but from the support of the central power which gives them authority through the intermediary of its military, financial, administrative and judicial systems.

In this way the elements of bureaucracy have made their entry. The aim of the Netherlands Indian administration must therefore be to remove the disadvantage of bureaucratic abuse of power by as much democracy as possible. It is to be hoped that the coming reorganisation of the administration will take this into account.

13. *The judicial organisation.*

Next to the administrative organisation, the judicial organisation must be mentioned as the second vehicle of Western penetration. In the time of their independence the jurisprudence of the Karos was regulated in the following manner:

At the sittings of the village court, the assembled ward chiefs (assisted by the anak beru and senina) of a village decided all lawsuits of their villagers so that they administered justice both in the smallest civil cases and the greatest crimes. The decisions were taken, as in the old Polish diet, only by unanimous vote. Punishment, even in murder cases, consisted of fines, the payment of

which could be enforced by confinement in the stocks. If the parties concerned in a lawsuit belonged to different villages, justice was administered by all the ward chiefs of both villages at a joint sitting, which was not held in the court house of one of the villages but in the open field. In some cases the lawsuits fell under the competency of the court of the village union. This was the procedure in cases of incest, in some territorial questions and in cases of action of the night enemy (*musuh berngi*).

As the administrators were also the judges, it is obvious that the Netherlands Indian Government, while it was making drastic changes in the administration, separated the existing judicial authority from the executive power. This was again a necessity which could not be avoided. It was obviously impossible to allow, even under control, the rulers in 250 villages to pass judgement on all the crimes of their subjects including murder and manslaughter. Good supervision from above to guard against abuse of power was absolutely necessary, now that an unfairly punished or injured party had no longer recourse to the highest tribunal — the decision of war. It is true that in the olden days great injustice was done by means of these wars, but at the same time the declaration of war had a certain amount of preventive influence.

In the olden days it was in the interests of the headman to administer justice to his people, as otherwise he was in danger of violence or of losing their recognition of his authority, which was dependent on the number of his followers. On the establishment of the Government his authority was no longer dependent entirely on his own people, but primarily on the central authority above him.

The source of authority was now different as was also the juridical relations. Now that it was no longer possible to maintain 250 village courts with equally complete jurisdiction, without control, it was necessary to invent a control system.

The 250 existing village courts were retained, but their competence was limited in civil suits to cases which did not involve more than f 25.- and, in cases of violation of police regulations, where the fine did not amount to more than f 4.-. Appeal against their sentences was allowed to the village union court ¹⁾ which, as we have seen previously, only administered justice in special cases, but which now decide in the first instance all civil lawsuits up to an amount of f 75.- and all criminal cases in which

¹⁾ The independent villages were divided, not as regards administration but as regards jurisprudence into 3 village union court resorts, so that the Karo lands had 18 of these courts.

the fine does not exceed f 25.-. Further five new local courts were instituted, whose competence in civil cases is limited to f 150.- and in criminal cases to f 60.- fine: and one court for the whole of the sub-district which decides all civil lawsuits above f 150.- and criminal cases where the punishment exceeds the above mentioned figure. In these four steps of the jurisprudence appeal is always allowed to the next highest court.

We see therefore a change in the judicial organisation of the Karos which became necessary owing to circumstances, but which left the Karos in possession of their own jurisprudence, so that they were subject to a law which they understood and which, according to their unwritten adat, was just and fair; the only exceptions were the principles of fairness and justice which made it possible to substitute imprisonment for the fine in cases of serious crimes and for the barbarous penalty of the stocks.

The fines, even for the more serious offences, were not unjust in the olden days, but they became unjust as soon as money assumed a different value and the produce economy made way for money economy. Previously money fines were fair, but with increasing individual inequality, they resulted in unequal justice. In this material law there are two things worthy of attention. The first is the confirmation of the words of Hamlet "There is neither good nor evil, it is our thoughts that make us so", and the second, the way our ideas change with the manner of production.

The judicial consequences of placing anyone in the stocks is the same. We now regard that as a very barbarous punishment, but in the old Karo society the enforcement of the payment of fines and debts by placing the debtor (or his adat guarantors) in the stocks, was good or rather useful and necessary in order to maintain the Karo society. In the new social world this measure was unnecessary, in fact it was an evil, now that its organisation can and must make use of another means — the prison.

For Europeans and non-Karos the jurisprudence based on government regulations was naturally introduced.

If we ask whether the new jurisprudence is better than the old one, the answer is the same as in the case of the administrative system: unequal quantities cannot be compared, the jurisprudence is neither better nor worse; it is different and had to be different as changes in the relation of authority necessitated changes in the juridical relations. In the old Karo society, where the relations of authority were the juridical relations, there existed a "class justice"; the influence of the tribe, of the possession of social and economic

goods and of the sword played an important role, so that for people with rich relations in the village there was less chance of their interests being neglected than for those without so much influence. With the substitution of money for produce as a medium of exchange these influences waned and another form of class justice appeared, the driving power of which was furnished by capital and the central bureaucratic authority which were often closely connected. In this system it is of importance that those of social rank should bestir themselves,

1. so that the justice of the conqueror, who is part and parcel of the capital system, does as little harm as possible;
2. so that formality and bureaucracy do not prevent everybody's interests from receiving impartial attention;
3. so that the judges hold the scales of justice as evenly as possible.

There is here a fine task for us Westerners, as supreme judges and administrators, to see that strict justice is influenced as little as possible by capitalistic interests.

Judges must be salaried. What was the position in the old community? The fines which were imposed, were for the judges, who were therefore directly interested in seeking and settling criminal cases; also in lawsuits for debts they received a tenth of the value in dispute. This system was allowed to remain and it was not until 1920 that fines and table money were deposited in the district funds and the judges were paid fixed amounts for their services.

14. *Taxation in labour and money.*

Next to the organisation of the administration and of the courts of justice comes the tax system as the third direct measure of the Westerners.

Before they lost their independence the Karos were indirectly taxed through the import duties, the Netherlands Indian salt regime and, on a small scale, through the opium monopoly.

Now that the products of native industry are being supplanted more and more by the cheap results of European mass-production (as we shall see later), the Karo people are contributing on an increasing scale to the import duties, which flow into the Treasury.

The direct taxes of the old community were mainly to provide the salaries of the headmen. The main income of the chiefs, who were all judges, consisted of the fines imposed and a tenth part of

the money involved in civil lawsuits. Further a chief had the right to one tenth of the gambling pool, for which he had to provide the lamp and the playing accessories. If a beast was killed he had the right to a tenth part. If a market was held in his territory he had the right to demand one tenth of everything that was brought to the market, but this was seldom taken advantage of as otherwise nobody came. This tax was further very precarious as family relations were often exempt and a proper control of the collection was difficult. Attacks on trade of this character therefore, always caused dissatisfaction. The chiefs also augmented their income with the fees they earned as registrars; they received a fixed fee for performing marriages.

In time of war the chiefs received the ransom money paid for prisoners, the fines imposed on the enemy and the disposal of land and booty captured, but on the other hand there were expenses for hired troops, powder and lead, the feeding of the prisoners and the fines in case of defeat. In addition to the above taxes in money and kind, must be added the custom of presenting the headmen with chicken, eggs, rice, salt, meat, cake, fruit and betel at certain ceremonies, but these gifts must be regarded more in the light of tokens of respect of religious (i.e. preanimistic) origin, so that they were usually of more social than economic importance. Sometimes a chief who was in want of money, would kill a beast and his people were then obliged to buy pieces of it at \$1 each, which were worth about 10 cents. He could also demand the ripe fruits of the season, for instance durian, and this was done sometimes.

The labour tax was as light a burden as the money and goods tax. In the old village communities no money was required for the construction and maintenance of roads or for governmental institutions such as administrative offices, the police and the prison systems. Forced labour was confined to the right of the ward chief to require his people to work on his fields three days per year i.e. one day at ploughing time, one day at weeding time and one day at harvest time. The ward chief had then to provide rice and sirih for the workers. The heads of the village unions and the tetrarchs did not possess this right outside their own villages.

Mention must also be made of the right of the chief to pick followers from among his people to accompany him to court sittings and on other trips, but this type of forced labour was not a burden as these followers (the armed men were called djuwak djuwak and the unarmed men karah-karahen) always enjoyed extra food and wages on these trips and therefore there was usually no difficulty in

getting enough men. In war time there was a kind of compulsory service, which included a system of substitutes, used, for example, for patrol work and for occupying the forts.

Into this primitively governed and primitively taxed country came the Netherlands Indian government, which had to pay its European and native administrative officials, its police, its office and prison staffs, to feed its prisoners and which required good wards for the proper exercise of its administration. It was only natural that an immediate attempt was made to get the Karo, who himself was directly interested, to participate in these expenses.

In a community based on household industry where practically every exchange was of produce so that money exchange scarcely existed at all, the first and best form of taxation is labour. Forced labour was therefore immediately introduced for all fit men. A start was then made with the construction of the main road, with this forced labour which amounted to a maximum of 52 days per year. This forced labour system had to be supplanted by a system of money taxes as soon as possible. In my opinion this could have been done in 1917 as by that time money economy had penetrated sufficiently into the community life.

That money taxes there would have been no objection to appears from the fact that a progressive form of income tax was introduced in 1908, varying from $1\frac{1}{2}$ to $4\frac{1}{2}$ % of the yearly income, which is regularly collected without much difficulty. In 1920 this amounted to about f 60.000 which helps to cover the expenses of administration. A slaughter tax contributes about f 5000 per year to the Treasury.

Finally, it must be pointed out that our tax system interferes with the home, social and even the religious life of the old Karo community, so that the labour and money taxes contribute towards the breakdown of the old social forms. The taxes in labour and money, which are now regulated from one central point for the whole of the Plateau, cannot take the individual desires of the tax payer into consideration, as was the case under the old system described above, but, on the other hand, they are not so dependent on the people who fix the taxes. The Government demands as little forced labour as possible at the time that field work has to be done but there is always a certain amount of work to be done to roads and bridges which cannot be postponed and general measures are sometimes necessary which do not satisfy a part of the community. The Karo therefore feels in tax matters that also there is a difference

between being the member of an isolated tribe and being a subject of a state.

15. *The police and the prison system.*

Amongst other direct measures of our Western system, in addition to the central organisation of administration, jurisprudence and taxes, are the police and the prison system. Previously in each village the ward chiefs and their anak beru and senina were not only the rulers, the judges and the tax collectors, they were also police officials who investigated crimes and offences (the costs of the lawsuit provided them with a direct interest in these cases). If necessary the chiefs were authorised to bind the criminals, but owing to the adat system this was seldom necessary.

The chiefs were also the prisoners' warders. The prison was the stocks. If a creditor wished to enforce payment he himself had to place in the stocks the debtor or his guarantor and to provide him with food, but in wartime it was the chief who placed the prisoners in the stocks. On the other hand any ransom was also paid to him. This state of affairs in the village-kingdoms could not be allowed to continue once that the administration and the jurisprudence was centralised. A police corps was necessary to transport prisoners to the place where justice was administered and to guard them there. This necessitated funds for the construction of prisons for the appointment of prison warders and police.

Under this branch a greater division of labour is also observable, after the 250 village-kingdoms had been combined into one administrative unit. Now that certain people were charged with the execution of certain work, the old communities, which had vested numerous functions in their chief were undermined. Its internal composition became entirely changed.

16. *Education.*

In the olden days a knowledge of reading and writing was an art (in Karo language and characters) which was known to the smaller half of the Karo men folk and which they taught each other in a playful manner. This art had its social purpose, but now that conditions have changed it has become a means of helping hundreds in their struggle for existence. It can also be said that the art of writing has changed from a social purpose into an economic purpose. Although this form of education helps to maintain the old style of society, it is also noticeable that by reading and by their knowledge of the Malay language, facts are gleaned from the news-

papers and other literature and spread amongst the inhabitants. This knowledge is a power which is gradually destroying the existing belief in spirits and witchcraft and other things which do not fit in with the new manner of production.

17. *The results of the direct measures of our administration.*

The collapse of the old Karo community is also noticeable in the results of the direct measures of our administration; concrete results i.e. in the manner of production and in the production relations (for instance the communications, agriculture, credit system, cattle breeding, industry and trade, land rights and health conditions) and spiritual results i.e. in the ethics, religion and art. To demonstrate this would lead us too far, but we will make an exception in the case of the communications in each district which are of such vital importance, since owing to the peculiar environment of the Karo lands (situated on a plateau behind a threshold 1400 M. high) this change was particularly rapid and influenced the whole community.

An intensive system of administration demanded a good main road and in 1909 the road between Kaban Djahe and Medan (81 K.M.) was completed. It was this road that made such a tremendous and rapid change in the Karo community.

For instance: Previous to 1909 a man who wished to export potatoes would have had to walk for three days with a sack containing 25 K.G. of potatoes on his back, partly over steep mountain paths, to sell them in Medan. That was not worth the trouble. Since 1909 the same man can transport about 400 K.G. of potatoes by ox-cart, with no difficulty, to Medan and return with salt, oil etc. This improved system of transportation opened up possibilities for the cultivation of vegetables and influenced changes in clothing, morals and health conditions.

In the olden times dozens of carriers could be seen fetching salt from the lowlands; these are no longer encountered. Their work is now done by ox-carts and other means of wheeled transport and it has increased considerably in volume. The first ox-cart was introduced in 1909 and since the number of carts in the Karo lands has increased at the rate of about 100 per year, so that in 1918 the total number was 1000. This means that in a few years no less than / 300,000 had been invested in transport material. This road also had a great influence on the primary form of existence — the agricultural industry. In 1909 there was no export of potatoes. In 1914 the average export was 2500 piculs of 60 K.G. per month:

in 1917 it was 5700 piculs per month. In 1918 the export of potatoes ($\frac{2}{3}$ rds. of which were sold in Singapore and Penang) declined but, on the other hand, the export of cabbages (more than 600,000 in 1917), vegetables, fruit and flowers made up for this. From this it is obvious that more ground has been cultivated since the introduction of our administration in the Karo plateau than was previously the case, while further, in the villages where ground is becoming scarce, the people are gradually beginning to use manures (i.e. vegetable manure and artificial manure) in order to promote a more intensive cultivation. The ox-carts on the main road are also gradually being substituted by motor trucks and this quicker means of transport has resulted in an expansion of the ground planted with flowers and fruit.

18. *The Karo lands are instructive as an example, but conditions elsewhere differ greatly.*

The Karo lands which have been taken as an example for the purposes of this article, provide a very instructive territory, but what has been happening there during the last 20 years through intensive Western administration, has happened and is still happening every day in other parts of the Outer Provinces (although not always as intensively and visibly) as a result of the penetration of our centralised administration with its many direct and indirect administrative measures. It must however be remembered that elsewhere great local differences exist. The Karo community for instance, is patriarchal and so are Bali and Lombok, the Timor Archipelago (for the greater part) and some of the islands of the Moluccas. The West Coast of Sumatra on the other hand is matriarchal while the rest of the Netherlands Indies is subject to parental law. In the same way the genealogical communities of the Karo, Toba Batak, Gajo and Alas peoples and many others are not found everywhere in the Netherlands Indies; very often there is nothing left of the power of the clan and there is therefore no exogamy such as we find in the Batak lands. The land and other adat rights also vary considerably in the different districts. VAN VOLLENHOVEN in his book on Native Law mentions nearly twenty separate areas of customary law in the Archipelago. The native municipalities also differ greatly and are also recognised in varying degrees. The proper functioning native community should form the real foundation of the higher entity. This has been very clearly expressed in the reports of the commissions which investigated Bantam and the West Coast of

Sumatra in 1927. Part of the Outer Provinces has, like the Karo lands, been allowed to enjoy its own jurisprudence, in some cases however, the municipal courts have not been recognised (in Celebes they were re-introduced about a year ago). Another part of the Outer Provinces has been provided with the jurisprudence based on Western regulations.

All the economic and spiritual influences which have been mentioned and also many new ones provide us with important problems in the various districts, which cannot be solved by a strongly centralised official administration for the whole of the Dutch East Indies without dangerous shocks.

19. *Decentralisation.*

As long as 25 years ago the necessity for decentralisation of the administration was felt, as well in the Outer Provinces, as in Java and Madura. On page 104 of his contribution to the "Gedenkboek" (1923) Dr. J.J. SCHRIEKE, very rightly says: "The weal and woe of the whole country was disposed of, even down to the smallest details, by one man in the centre Batavia-Buitenzorg. It was only in the villages and the native communities in the Outer Provinces that any traces of democracy and decentralisation could be found." The decentralisation law of 1903 opened up the possibility for provinces and parts of provinces to possess their own councils and their own finances. This resulted in the introduction of 32 municipal councils of which 13, i.e. at Padang, Fort de Kock, Sawahloento, Palembang, Macasser, Medan, Tebingtinggi, Bindjai, Tandjoengbalai, Pematang Siantar, Menado, Bandjermassin and Amboina, were in the Outer Provinces. Councils were also appointed in 1909 for the Culture district of the East Coast of Sumatra (consisting of the territories of the self-governments of Langkat Deli, Serdang, Assahan and Simelungun). Councils with less European influence were introduced in 1919 for the Minahassa (North Celebes) and from 1918-1921 for each of the sub-districts Padang-Pandjang (West Coast of Sumatra), Ogan Hilir, Komering Hilir and Lematang Hilir (in Palembang), for the sub-district Angkola and Sipirok (in Tapanuli), Barabai (Residency of South and East Borneo) and in the Moluccas for the part of Ambon formed by the sub-districts of Amboina and Saparua, and finally in Bali in 1921 for the old territory of Karang Asam.

Of these councils the sub-district councils have had the least success; the most successful were probably the Minahassa Council and the Council of Karang Asam.

20. *Coming reformation of the administration.*

The greater part of the Outer Provinces have therefore remained until now under the official central administration of Batavia. This is generally regarded as a serious deficiency. A more extensive decentralisation will therefore have to come along the lines of the Administration Reformation Law of 1922, according to which autonomous provinces and parts of provinces will be introduced. As regards the Outer Provinces, a province in Sumatra can be expected first of all. A Government proposal for the introduction of the province of South Sumatra was criticised by the People's Council in December 1927 as being insufficiently prepared, was rejected and withdrawn by the Government. It is possible that the Outer Provinces will be divided into three large provinces i.e. Sumatra, Borneo and the Great East. In any case we are on the eve of an important Government reform in the Outer Provinces. With the introduction of this improved type of administration, the self-governing districts of the Outer Provinces will demand special attention.

21. *Self-governments in the Outer Provinces.*

The self-governments in the Outer Provinces require to be treated separately, and it will be seen that they differ greatly from the great British Indian self-governments. They sometimes provide small but good points of contact in many districts for the introduction of modern decentralisation. We have already seen that the sub-district of the Karo lands with 70,000 inhabitants was reformed into five self-governing territories. They have one joint provincial fund. Other parts of the Outer Provinces which have similar conditions, i.e. where there are only villages and village unions, have not yet been reorganised into self-governments, but have been placed under direct central official control from Batavia (like Tapanuli and many other parts of Sumatra.) In other parts where there were small kingdoms above the villages (such as Bali) no self-governing districts were introduced. Other old self-governing kingdoms, such as Goa in South Celebes for example, were placed under direct rule, while Bone, also in South Celebes and exactly on a par with Goa, was allowed to retain its autonomy.

Most of these self-governing territories (273 of the 288) have signed a so-called "short declaration" consisting of three articles in which, first, they acknowledge that they are subject to the sovereignty of Holland and that they form part of the Netherlands

Indies, second, they promise not to enter into political relations with any foreign power, and, third, they promise to follow all regulations and obey all orders issued by or on behalf of the Governor General. Fifteen self-governed territories have a "long" contract. The greatest of the self-governing territories has only 288,000 inhabitants i.e. Luwu and then come Bone with 285,000, Butung with 258,000, Wadjo with 170,000 and Bima with 136,000 souls; all the others have less than 100,000 subjects. The first four are situated in Celebes, the fifth on the island of Sumbawa. Dozens of such territories have less than 10,000 inhabitants; there are in fact several dozen with less than 1000 inhabitants which are therefore only mere village communities. A large number of these territories are, therefore, no larger than villages or village unions. The smallest province, Pameue, on the West Coast of Achin, in the sub-district of Tjalang has only 292 inhabitants. As Dr. HAGA, in his article, historically demonstrates, the recognition and institution of self-governments has so far been carried out on a very unequal scale. The former kingdoms of Minangkabau (West Coast of Sumatra) with 1,500,000 inhabitants, of Palembang and of Djambi, for example, are not self-governed. For the sake of completeness it must be mentioned that as regards the number of inhabitants there are three self-governed territories in Sumatra with more than 100,000 inhabitants i.e. Langkat (172,000), Deli (124,000) and Serdang (106,000), but they only number 92,000, 95,000 and 53,000 native subjects of the self-government respectively, the remainder being Government subjects, Chinese, other foreign Orientals and Europeans.

From the details of nearly 300 self-governments, of which only a few have more than 100,000 inhabitants, it will be seen that the institute of self-government, with the exception a few cases where large self-governed territories are ruled by a self-governing council, can be of little importance to the decentralisation of the administration. But a number of small self-governments can combine, jointly manage common finances and rule over sub-districts. Examples of this can be indicated in Achin, the East Coast of Sumatra, Timor, Celebes and Menado.

The greater self-governments, of which there are some which have existed for centuries (for instance all of the four largest) must not be regarded as autocratic kingdoms with a strongly centralised administration in our sense of the word. Originally they consisted of villages or village unions, which, as we have seen from the Karos, possessed to a large extent their own jurisprudence, autonomy

and administration. Even the supreme authority of the ruler was not absolute. For instance in the case of the self-governments of Goa, Bone, Luwu, Soppeng, Wadjo and others it was previously the custom that if the members of the highest council (consisting of 3, 4, 6 or 7 notables) entered the presence of the ruler with their songkos (plaited headgear) tilted to the left of their head, this was the sign to the ruler that he had to abdicate. This is mentioned in order to show how even in olden times the rulers of even the most mighty empires had to consider the leaders of the people.

Even if no modern economic, communication and administrative influences had been at work, it would — according to my opinion — be advisable for us to institute self-governing councils in the self-governments, working along the lines of the regency councils which have been introduced into Java and which are proving so successful.

Appointment and elections of the members of the modern form of council, either at two or more removes or otherwise, through the intermediary of the villages or the village unions, would give to the people the influence which they previously had in their autonomic village chief or village union chief. Now that the West, as we have seen, penetrates so strongly by numberless channels, this is all the more reason why the self-governments should be instituted promptly. The small self-governments would then have to combine as much as possible, not only as regards joint finance (as the Karo example), but also as regards a joint council which must also be recognised in financial matters.

Many provinces and parts of provinces which include no autonomous territories, still lack councils which stand above the villages and village unions and at the same time supervise these villages or village federations and their internal administration. The above mentioned decentralisation legislation of 1903 which a.o. resulted in the institution of the Karangasam Council, will there be able to provide a solution. But for the higher administrative organisation, the promised administrative reform provided for in the law of 1922 will benefit both self-governed and direct-governed territory. It will gradually provide the Outer Provinces with provincial councils and it will divide those provinces into autonomous districts. The People's Council which was instituted in 1918 will however remain above these provincial councils. The People's Council consists of 61 members (natives, Europeans and Chinese from Java and the

Outer Provinces) which endeavour to control and criticise the central Indian autocracy and bureaucracy, but which at the same time is the co-legislative council for the whole of the Dutch East Indies.

22. *Emancipation, the important task in front of us.*

The deeply penetrating Western administration which we have shown in this article to have greatly influenced the Outer Provinces after their long regime of primitive systems of government, is a result of the fact that a tremendous amount of Western or rather foreign capital is invested in agricultural, mining, trading and shipping concerns, which works both beneficially and detrimentally, on a society with its primitive methods of production and its primitive system of agrarian, communal government which we illustrated in the Karo lands. The result was that the European administration and in some cases also the private interests forced itself too far into the native community. The economic problem is being changed more and more into a political national problem by the growing number of Indonesians, who feel what is happening. The most important administrative task now and in the future will therefore be emancipation i.e. the transfer of the administrative task, which is now properly organised from the top downwards, from the European to the native administration. It is uncertain whether men with ethical motives will be found and vested with sufficient power to accomplish a timely introduction of this emancipation on a large scale. Probably the apparently material forces—acting as an instrument of a Spiritual World Government: infinitely larger and mightier—will give the strongest impetus themselves, although the direct power of the spirit which works in the people, is not to be ignored in this process. The economic relations of power of those who are concerned with the process of production in the Outer Provinces (and in Java) will also play a great part in the fixing of the administrative relations. Numerous tendencies will contribute to this. To mention one example: The tremendous burden of the European officials, with their expensive transport-out to the Indies, expensive leave, expensive premature pensioning and especially their high standard of living, which fall so heavily on the budget, will become less and less possible. The Government and the private interests will then be forced to appoint sons of the country to the positions, now held by Europeans. In this way and even more so in other ways, this country will move in the direction

of an administration other than the colonial system. It is to be hoped, both for Holland and the Indies, that this process of development, on the eve of which we now stand, will take place under powerful leaders, without too many great shocks.

To remain powerful, every community requires continual development. A community which moves in a period of rapid transition, as outlined above, requires men who live with the times and who know how to turn the knowledge they obtain thereby into deeds which will provide the Outer Provinces with an administration in which the whole of the people in the country and in the town and municipality, in the self-government or in the decentralised territory and in the province can live their own lives to the best advantage possible under the existing economic circumstances. It is in this manner that the desires of all groups of the community will find their best expression and, where possible, satisfaction.

Tremendous spiritual and material world-forces are at work in the evolution of the Outer Provinces which are economically of such great importance to world production. During that process the Spirit of God will move the people to give the leadership and with it all the power which mankind is capable of disposing. And yet even if Holland possessed the necessary powerful men with firm belief and assured conviction, they would still require information from other pacific countries where similar problems are to be encountered. For this reason the international exchange of thoughts, like we find in the League of Nations, in the International Labour Bureau, in the world missions and other conferences, can be of the greatest importance. May the Pan-Pacific Congress discussions also contribute towards the welfare of the country and its people, the administrative situation of which I have endeavoured to outline in this article.

THE ECONOMIC STRUCTURE OF JAVA.

BY

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The population of Java is both heterogeneous and very dense; economic life is also heterogeneous. These are the three characteristics of that most remarkable community living in Java, a community which in structure and character is probably unique in the world. There are countries such as Ceylon and the so-called mixed colonies (the Cape or Algeria) where the population is more proportionately divided into distinct groups and there are parts of British India which are just as densely populated as Java, but the decided mutual influence of the different races and of the different industrial methods which nevertheless have remained clearly distinct, in Java, has no counterpart in any densely populated country in any other part of the world.

All these three characteristics are comparatively new; in the seventeenth and eighteenth centuries there was a very different state of affairs.

The East India Company, itself commercial undertaking, originated in 1602 as a band of merchant-soldiers and carried on in that capacity for more than a century.

It was not until the middle of the eighteenth century that it abandoned its "mercantile policy" for a "territorial" one and assumed the position of landowner. Taxes replaced voluntary, or compulsory, delivery of goods. But even then, when in the first quarter of the 19th century, a new Dutch and a new colonial government were formed, there was nothing to be seen of these three characteristics. The population was not dense, numbering only 4.000.000 souls. A few thousand Europeans resided in settlements in the few towns and had no direct influence on the development of the community or the yield of the land. Industrial life was insignificant.

In the 19th century important changes took place. After various English and Dutch experiments we find the first clear phase in the period of the so-called "culture-system", which has become so generally known in Java history. In Europe it was the period of reaction after the Napoleonic regime. The Dutch Government in Java, working without capital and with forced labour and expropriated land, became a successful producer of export crops and consequently influenced the life of the population very considerably.

Then, after 1860 when the liberal bourgeoisie had become the predominant class in Holland, an entirely new period dawned. The export production was taken in hand by European planters with the essential, but nevertheless limited, capitals. Labour and land were paid for. The Government was at that time very circumscribed in its actions economically and financially but it eliminated methods of force and high-handedness and began to assume the liberal ideas of development and progress.

Finally came a period, almost coinciding with the beginning of the 20th century, the characteristic of which was that commerce attracted great concentrations of capital and expanded considerably. Although the balance of trade was continually in the favour of export, a stream of capital for investment poured into Java causing extraordinary activity. The Government also changed in character. It formulated ethical ideas of education and obtained the means with which to put them into practice. This policy coupled with the fresh economic possibilities resulted in a widespread action on the part of the Government.

Figures illustrate the differences between the various periods far better than mere words. For example the export, the currency circulation, the budget and finally the number of Europeans in proportion to the number of natives, are all important factors which show a progressive increase in each of the periods.

	number of Europeans per 10000 natives	millions of guilders			
		import	export	Government expenditure	Bank note circulation
1822	—	21	24	—	—
1825	± 8*)	—	—	27	—
1828/29	—	—	—	—	3
1825	—	27	66	—	—
1849	18	—	—	78	—
1849/50	—	—	—	—	7
1900	22**)	125	157	146	—
1899/1900	—	—	—	—	61
1925	49	532	845	—	279
1927	—	—	—	450	—

If the above figures were shown by means of a graph a sharp upcurve would be seen in each line marking the beginning of the present period at about the year 1900. The entirely new, exceptional character of the present period is thereby distinctly indicated. Even if we make due allowance for the changing values of money, the differences are still so great that they cannot fail to indicate a radical change in the character of the community.

Nevertheless it is not possible to obtain a comprehensive view of the development of the social structure by observing only these differences in the periods. Just as important as these many changes is the fact that several essential factors in the economic and political life of the country have been consciously maintained throughout these three periods — and with success. There was always peace. Epidemics were successfully combatted so that there was a continuous steady increase in the population. The inhabitants were allowed to retain their own ground, their own chiefs and their own village communities. It is true that during the culture-system land and land-

*) Very rough estimate.

**) The enormous increase in the native population took place in the second half of 19th century but proportionally the number of Europeans increased even more rapidly.

titles were disposed of at will. And it is also true that the officials today, grouped in their various branches of trade, are a very different type of people than the leading men of 1828. But neither the one nor the other detracts from the fact that, economically, the population as a whole remained owner of its land and that a group of native Government officials, politically and economically superior to the masses, stood and still stands over them, so that the masses are not directly under Western rule. The rule that "like ruling like tends to mercy" was and is one of the first principles of the Dutch colonial system.

The official machine with which the Government worked, and which dates from the beginning of the 19th century, had, in each of the three periods already outlined, a different character. During the "culture-system" there was in fact only a Civil Service which together with the native chiefs, had to look after the cultivation and roads and to preserve order. In the second half of the 19th century we find private people instead of the Government planting coffee and sugar. The Government in addition to preserving order then took on the task of protecting the population economically and furthering on its progress. Other Government services were instituted and railways were built.

In the present period of intensive colonisation the Civil Service has become one amongst many. Furthermore, during the last 25 years, many local self-governing bodies have been created and have been primarily charged with the care of roads and bridges, and their sphere of action, especially in the large towns, has been much extended. Yet in the course of the last century certain characteristic features in the government machine have remained unchanged. Local European Civil Service officials together with the highest native chiefs, the "Regents", still form a dual-control in which widely varying powers are vested.

In addition to this dual system there is this marked difference between the Dutch and the British Indian Civil Services, — that the number of Dutch officials is proportionally much greater. Also (and this fact is closely connected with the character of the Dutch people) the Dutch Civil Service has never, like the British Indian Corps, ranked far above all other services as regards standing, training and position, on the contrary it has always been on an equal or even sometimes perhaps on an inferior level.

The recent reorganisation of the administration has so far brought complications and uncertainty but it has not resulted in a new stipulated line.

II.

The three characteristic features of the community came into existence in the manner sketched above. Thirty seven million people live today on this comparatively small island. There is a distinct line of demarcation between the 180.000 Europeans, the 36.000.000 natives and the 500.000 other Asiatics. There is a keen distinction between the two industrial groups, — between two worlds of economic life. On the one side is the small-scale economic life led by individuals or in some instances primitive organisations. The native population, a large part of the Chinese and a small part of the European group are included herein. On the other side there are the powerful organisations with masses of capital behind them: the large-scale industries, the Government and the wholesale trade. They are typified by the fact that their management is Western and that they are operated on Western, international economic lines. This does not necessarily imply that their management is always purely European; there is in fact a strong Chinese element in it too and, in proportion to the masses, a very small number of Javanese.

The mutual relations existing between these groups and organisations can best be explained by the use of a few rough figures. These figures are naturally no more than estimates, and they are given here with full knowledge that they can never give a thorough insight into the economic life of the country. Nevertheless they express the essential features much better than any number of adjectives ever could. The first thing we learn from these estimates is that the total annual income earned in Java amounts to 2500 million guilders. Of this 1500 is from native and 800 from European industries, and 200 from the State and independent professions. An estimate of the division of this sum of 2500 millions shows that 450 leave the country to pay for profits and interest and for the purchase of means for production and that 1500 goes to the natives, 300 to the Europeans and 250 to the Chinese.

If we illustrate the community, according to the economic result, by means of the well-known pyramid, whereby the economically weaker groups form the base and the stronger the summit, we find that the Java pyramid has a very broad base and that it converges into a narrow sharp point. At the top there is, in proportion a much larger quantity of white cells and in the middle a much greater number of yellow cells. The income tax statistics show that for incomes of more than f 2100.— a year the Europeans are in the majority; for those around f 2000.— the Chinese, and for lower

incomes the natives. Among the 100 highest assessed persons there are about 10 Chinese; among the 1000 highest, 150 Chinese and 10 Javanese. If, in addition, it was possible to draw up statistics of the capital involved, it would be seen that the Chinese occupy a much more important position than appears from the classification according to income.

The metaphor of the pyramid can be extended even further; the summit reaches right into the European international economic sphere; the base lies in the Javanese sphere, where owing to the character and circumstances of the population, there is not only an entirely different standard of welfare but where economic life is dominated by a totally different mentality.

III.

As regards the influence of the various elements on each other, primarily the penetration of the West and the influence of colonisation on the native community, there exist many differences of opinion.

At one extreme there is the opinion that the colonisation works unnecessarily oppressively, even directly detrimentally. Other adherents of this school, who are not extremists but only pessimistic in their outlook, maintain that it is to be regretted that the colonisation of Java has not led to a small and prosperous population but merely to the multiplication of a race of paupers.

The other extreme upholds the argument that the work of the Europeans, of the "2% toilers", is absolutely indispensable, and acts as the backbone of all the economic life.

On this occasion the truth does not lie midway; the problem is more complicated.

In order to get to the bottom of the process of colonisation, of the Western influence on the community, there are three distinct factors to be considered. Firstly, there is the direct contact with international-economic life, secondly the intentional interference of the Government and thirdly the unconscious, unintentional action of both.

Direct contact is primarily obtained when the inhabitants sell their produce. As regards produce which does not leave the country, such as rice, this contact is exercised by Chinese and business is nearly always done on a credit basis. This activity is characterized by the fact that it does materially increase the quantity of production.

The sale of export produce, such as tobacco, capoc etc. presents a totally different aspect. Here again credit is given but the increase in the people's income is clearly noticeable.

The closest contact is obtained where the foreigners, in order to obtain more produce, take matters into their own hands. The population, then, does not give its produce but itself forms the factors of production: material, land and labour. Sugar and tapioca are grown on hired lands; the produce of the mountain crops (tea, coffee, rubber) and oil are obtained from land of which the foreigner holds the agricultural or mineral rights, and all these crops are grown with hired labour under Western supervision. What characterizes these transactions is that the prices of material, land and labour although not exactly on the same level with those ruling in the native world, are very closely connected and are bound to be so. It is true that round the European community a small fringe of natives has been formed (chauffeurs, technical and administrative personnel) whose standard of living is higher than that of the average, but for the masses who come in contact with the Westerners there exists an undeniable clash of interests. The amount earned by capital and industrial management becomes proportionately greater as the native standard of living is inferior.

However the total amount paid by these industries to the population in wages and rent of land, in comparison with the total income of the native population, is not as large as one would think. During recent years it has increased considerably (having been more than doubled during the last 15 years) but at the present time it represents only 15% of the total income of the population. The importance, however, of this 15% must not be underestimated for since it is the most recent addition to a comparatively small income its value to the persons in question is disproportionately great. It can be expressed in other words: it is just this 15% (\pm f 200.000.000.—) together with \pm f 80.000.000.—, which are obtained from the cultivation of export products, that make import possible. These amounts provide for the economic contact between the population and the outside world, and make the differentiation in the goods consumed by the population which is a necessary factor for a higher standard of civilisation.

The second symptom of colonisation is the action of the Government. The last half century and especially the last quarter century saw a considerable increase in its activity. The number of officials increased even more than the budget and at the moment it is certainly

6 times as large as in 1900. In particular the number of native officials increased. However, the increase in the number of European officials was also more than in any previous period and, after all, it is essential that the activities of the Government remain in Western hands; for everything which the Government undertakes: public safety, irrigation, education, forestry is the product of Western organisation.

There is yet another point; namely that the economic possibility of the Government fulfilling its task, depends to a large extent on Western industrial life. If we make an estimate of Java's contribution to the budget we shall find that 40 % is contributed by the inhabitants, 40 % by private industries and 20 % by Government industries. Viewed in this light Java's Western large-scale industries are storagebatteries, in which such a large proportion of the social product is automatically gathered that the Government is able to draw therefrom in a simple manner and with little friction larger quantities of money than would otherwise be possible.

The third way in which the colonisation acts is the indirect influence and this probably has the most farreaching results since it effects the population in its homes, in its movements, in its possession of land, and even in the object of its labour. This influence works in two ways i.e. it transforms and at the same time conserves.

The improvement in the means of communication brings about transformation thereby overthrowing everything that is old. On the one hand railways and automobiles and on the other hand money — these are the factors which not only make general intercourse possible, but also stimulate it to a very large extent. We should not exaggerate the importance of the penetration of roads and railways; nor consider the matter too simple, because tens of years ago there was already money circulating in the dessas and even now there are many districts where the crops are not sold but largely kept for local consumption. Investigations which have been made in remote districts, show that the percentage of the annual income received in money has, during the last twenty years, increased only from 45 % to 55 %. In the districts which are more favourably situated with regard to means of communication, the latter figure is naturally much higher, but only in a few towns has it reached 100 %. Furthermore, it is not only Western industry which brings money into circulation. The rapid progress in native production which has taken place during the last 50 years is not due to improved technical methods, but, in addition to the clearing of new ground, it is due especially to the enormous

increase in the planting of the so-called secondary crops i.e. crops other than rice.

The majority of these secondary crops is sold. There is furthermore a rapidly growing native business community with small industries and retail trade, a community with a mentality plainly directed towards earning money and which stands apart from any direct interference of the European community as also is the case with the community of native export-producers. It is just in this sphere of a somewhat primitive commercial world that the economic capacity of the population develops. In itself, it is of the greatest importance that the foreign group of the community is not the only one responsible for the enormous economic revival which has taken place during the last quarter of a century and that an opposing tendency undeniably exists against an ever-growing colonisation. However, if we take capital and organisation into consideration, there still remains a great difference between native and Western life.

The importance of credit is, for the population of Java, closely related to that of money. For the population, the quintessence of money circulation is that it can tend to alleviate the craving for satisfaction of direct wants, which in their case, as compared to Western economic ideas, is much keener. Credit increases that possibility. What else is credit than the borrower's pledge of his concrete possessions (goods, land or right to salary) in order to obtain the direct abstract power of disposition that money gives ? How this greater freedom is applied and whether it tends to bring welfare or ruin is another question. It is however certain that money and credit together open up new and often difficult roads to the population. How closely they co-operate became apparent after the war crisis. At that time, when the means of exchange were abundant, with no increase in the production of goods, the extension of credit decreased. This shows that the demand for credit is not unlimited. In the meantime the demand for credit generally shows a regular increase. The official systems, organised by the Government, such as pawn shops and People's Banks, also show an increase, perhaps an even greater increase than that of the systems of the Chinese and native moneylenders. The system of exciting wants by advertisement and facilitating the supply of goods by credit-systems is here still in its infancy. All these systems of credit in the present period of intensive colonisation also have their economic advantages, since they may be, if not an ideal, at least a useful stimulus to work, which would not be undertaken otherwise. Everyone in the Indies who has ever needed labour or supplies from the inhabitants is thoroughly

conversant with this fact. As regards the payment of taxes in money it has been stated, and not without foundation, that it has a productive influence as it stimulates work. Thus money and credit lead, not always gently nor always directly, but none the less surely, to a more intense economic life.

Notwithstanding all this, the West works conservatively, in so far as it perpetuates this one basis of Java's economic life — that it remains a country of various subsidiary industries. It can remain so, because the majority of the work of the large scale industries is season-work and casual labour. The situation in Java is not that a part of the farming population has become "labour" and has congregated in the towns. The position is that primarily as a result of the Governments conservative agrarian policy, the masses have remained farmers and only the subsidiary work has increased. Among the possibilities of extra-work is now included the paid labour for the Western industries. It is a remarkable fact that the land-owners, who stand economically and socially higher than those who have no possessions, are just the type that turns out to be most satisfactory as casual field labourers. This development of subsidiary employment is the reason that in Java there is no great exodus to the towns, only the rural centres of European agricultural industry are more densely populated than the rest of the country side. But it is typical that the men from the districts where there is no cultivation, go by thousands to work in those parts where there are plantations of export products and to the towns. The fact that during the last quarter of a century the number of land-owners increased, in proportion, more than the population, is of essential importance.

IV.

The intense colonisation of the last 25 years has had far-reaching effects on all groups of the population.

Naturally, in the first place, on the natives. Economically the native group possesses two characteristics; it is poor and only slightly differentiated. Only rough figures are available regarding their incomes, but the estimated average annual income of a family is, at the moment, not more than f 200.— And yet the situation — although making due allowance for the depreciation in value of money — is more favourable than it was a quarter of a century ago, and much more favourable than a century ago.

The differences in the native population appear to a certain

extent from the following table which shows the percentage in which the heads of the families are divided :

Officials	2
Workers in Western industries	5
Native trade and industry	8
Better situated farmers.....	3
Farmers with own land	47
Casual labourers who for the greater part are employed in the native agriculture	35
	<hr/> 100

Between the two last groups there is, socially, little difference. Those not possessing land are closely connected with the landowners through personal relations, through direct economical dependence and through being included in the same village community.

Further estimates can be made regarding another kind of differentiation. The 15% of the adults who are not illiterate are practically all officials or labourers or owners of native industries. The 6 per mille who have undertaken the pilgrimage to Mecca as an expression of their piety and enabled to do so by their economic capacities, belong to the groups of better class farmers and traders. The highest assessed natives are officials; some belong to the group of better situated farmers or traders. The nobility, which is socially still of considerable importance, falls, for the greater part, in the group of officials.

There has been a rapid increase in differentiation during the last twenty five years. It is particularly noticeable that the progress of the natives is especially rapid in the case of those in Government service where many so-called secondary positions are now occupied by natives. The progress in their own industrial life is much less noticeable, while there are practically no educated natives employed in the European large-scale industries.

The future will bring rapid changes since education has been greatly developed during the last 20 years. Seen from an economic point of view, the question arises, both for the community as a whole and for the individual, whether the productiveness of school knowledge will be proportional to the costs of instruction. There are already very distinct symptoms that the community will not be able to absorb the young educated men at a rate that was at first thought possible. The fact that the economic value of certificates is decreasing

rapidly is a source of great disappointment and forms a serious problem.

Nationalism can be of great importance to the economic life. It means that the necessity of supporting a group impresses itself simultaneously with or even before the need of fulfilment of individual economic requirements; and primarily that the interests of groups are confronted with general interests. As is known, the last quarter of a century has also brought changes in this direction. "Desire has touched them" — this quotation from the "International" has, during the last few years, become applicable to Java in the same way as it has to other parts of Asia. The national feeling has become developed among practically all the better educated classes, and also among the peaceful majority. It is noticeable that as a result of modern means of communication the extreme elements are guided both by the pan-Islam movement and by the nationalist movement in other Asiatic countries. It is interesting to examine in which social groups the dissatisfaction has made most headway. Of the approximately 900 communist leaders who were exiled as a result of the irregularities in 1926 25 % were in Government service, 20 % in the service of Western organisations, 40 % belonged to the native merchants and industrial type and only 15 % to the agricultural class. Of these leaders 6 % were of the nobility, 6 % had made the pilgrimage to Mecca and 70 % were educated. The fact is outstanding that these percentages of officials, nobility, pilgrims and educated people are much higher than those of the corresponding groups in the whole population.

Among the Dutch there is a line of division between the officials and the non-officials, that is to say between Government servants and commercial citizens. Economically the commercial citizen's career has better prospects. During the last quarter of a century a distinct movement has been taking place in the European world; 25 years ago the official world was leading but now the non-official world is beginning to dominate, which indicates a powerful self consciousness.

Another distinct line of division runs between the residents of pure Dutch blood (the "totoks") and those of mixed blood, or rather between those who consider Holland their Home and those who consider Java as their country. Among these is a group of Dutchmen who feel at home in both countries and, born in the Indies, return to them generation after generation, a group which shows preference and suitability for leading positions in the tropical community of which they are a typical product.

Economically the Eurasian group, which is a product of the last 100 years, is inferior to the group of the "totoks", although the former outnumber the latter 4 to 1. The great majority of Eurasians have no independent economic industries, but are to be found in the Government and private services. In the Government service Eurasians are to be found even in the highest positions and they carry out their work extremely well.

During the last quarter of a century the number of "totoks" and the position of the group have increased rapidly. In the rapidly developing industrial world practically all leading positions are coming more and more into the hands of the other Europeans. The average income of the Eurasian is only 10 times, while that of the "totok" is 20 to 30 times as much as that of the native population.

Owing to the rapid improvements in the means of communication there is a strong tendency amongst the Dutch groups to become less Indianized than formerly. There is in the Dutch world also an undeniable concentration in the towns where conditions are much more pleasant and comfortable and where the Western atmosphere is much more accentuated not only in spirit, but also in matters of clothing, food, housing, recreation and luxury. The gulf between this group and the native population has become both economically and socially much wider.

The nationalist feeling amongst the Europeans has also become keener. The Eurasian, on one hand threatened by the competition of natives educated on Western lines and on the other hand gradually being pushed into the background by the "totoks" powerful organisation, have become more closely united than previously. Actually the Eurasian group has no desire, even for the sake of upholding democratic ideas, to allow itself to be absorbed in the mass of natives.

In view of this, the system of appointing and remunerating officials is extremely difficult and far-reaching. If salaries for all officials were based on the Western scale the Government would not be able to command sufficient means to pay them, while, if based on the native scale it would not be able to obtain the right people and the application of separate salary scale would inevitably rise to personal injustices.

Almost as important as the development of the sentiments is that of the industrial life. Here also strong national tendencies are felt, for it is plain that the concentration of the industries coincides with the transfer of their centre of gravity to Holland. Meanwhile

recent political reforms tend to transfer political power into the Indies. This development causes friction. The undeniable antagonism which emanated from the Dutch group, against measures which aimed at greater political power for the natives, is at heart based on the fact that the European group which has become stronger than ever during the last quarter of a century, and regarded this reform as being derogatory to the development of the community — and also in conflict with the idea that the principle of "Like ruling like tends to mercy" should be also adhered to for Europeans.

The Chinese have been kept out of agricultural industry by the agrarian policy of the Government. They have very few factories and are seldom found in Government services. Practically the whole of this community lives by commerce and manual labour. Here again there is a difference between the Chinese born in China and those born in Java and here also the new-comers are rapidly gaining in proportionate numerical strength. But in this case and contrary to the situation in the European group, the local born Chinese are economically stronger than the newcomers, because those of them who have had a successful career in Java, do not, like the European, return to their land of origin. The richest Chinese are richer than the richest Europeans. The average income of the Chinese is at least three times that of the native. National aspirations and the improvement in the means of communication has also strengthened the ties between the Chinese and their home country.

V.

For the last 25 years over this densely populated country has swept a wave of colonisation, such as it has never experienced before, but at the same time all kind of nationalist waves are rolling in higher and faster. Thus are breakers formed.

The number, the ability and the demands of the population are all growing rapidly, but the growth of the power and importance of the European community and of the extent of the Government's interference seems to be even more rapid. Economically the European organisation and production can be less easily spared than before, but co-operation becomes more necessary as it becomes more difficult. One thing stands out clearly: it is that the wellknown metaphor, which compares a colony to a ripening fruit or a growing boy, is childish and misleading. There are forces at work which will nullify every theory of evolution along preconceived lines.

WESTERN ENTERPRISES AND THE DENSITY OF THE POPULATION IN THE NETHERLANDS INDIES.

BY

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I.

General Introduction.

There is an unmistakable connection between the development of the economical life of a country and the density of the population of the country concerned.

But simple this connection is certainly not. The various factors which cooperate in regard to these connected phenomena play at times an active role as driving forces and at others a passive one dependant on certain causes. There are plenty of instances that the increase of the density of the population led to an increase of the production capacity, be it intensively or extensively. There are no fewer proofs for the hypothesis that increase of the production leads to increase of the population.

What is more, facts prove that heightened prosperity acts as a brake on the increase of the population and sometimes it even brings the increase to a standstill. Still more complicated, however, is the connection between the production of goods and the production of human beings in countries where the colonial form of labour has created two spheres of production viz. an indigenous and a foreign sphere, sharply contrasted in character and in their fields of operation. As is known, this is the case in the Netherlands Indies, which belong to the richest tropical agricultural regions. As in all other branches of the social and economic life, the Western activity has made a deep impression on the peculiar nature of the population problem in this country.

As regards the problem of the density of the population, the Netherlands Indies again occupy a very peculiar position, which clothes the phenomena, in addition to their essential practical importance, with a general theoretical value.

It is not possible, in a narrow compass to treat all the factors which are connected with the subject. Apart from their number, they are of such varied character, that the writer is obliged to leave them out of the discussion owing to their being beyond its scope. The density which is now observable is the result of both geographical and biological influences of general historical and special economic character.

The close interaction, which exists between that density and the present natural and social entourage, makes it possible to attack the problem from another side, viz. taking the present density and distribution of the population as the starting point can we, with their assistance, clarify a number of the real characteristics of the present social-economic structure?

From this point of view the present density and what is more, the great local difference in density, asserts itself as a factor which also gave the agrarian production its various forms. This method appears to be fruitful, since from the rapid development of the last quarter of a century it is possible to show that the planters, who were the pacemakers of this development, actually had to take into consideration the presence of a population, which on reaching a certain density produced useful labourers for the capital which was flowing in. The economic considerations are more apparent in an investment region, than in an autochthonous community.

Many branches of industry are still comparatively young and have few or no historical background. Their specific nature can only be accounted for by the rational reflections of the founders.

If this circumstance already invests the demographical analysis of the development of industry with exceptional importance, there are two other factors which also co-operate in making the Netherlands Indies a particularly interesting region for an investigation of this nature.

In the first place it should be pointed out that this island empire forms, both geographically and ethnologically, a bridge between South East Asia and Oceania. The former region which includes the river basins of Tonkin and South China, belongs to the most densely populated areas in the world, while the latter consists largely of depopulated areas, which are extremely sparsely peopled and furthermore inhabited by tribes that are slowly becoming extinct.

In addition to this we find that this contrast repeats itself within the boundaries of the Netherlands Indies, and in a very glaring manner. The imaginary dividing line runs right through this region. Java and a small island to the east, Bali, belongs demographically to the former region, while the major portion of the Outer Provinces and especially the groups of islands in the Eastern Archipelago, are very similar to the latter region.

The contrast is very marked and there is practically no transition. A few figures will make this clear.

2. The Facts.

These are adopted partly from the last census, which was held in 1920 and partly from later figures.

Density of the Native Population per sq. mile. (See: *Statistical abstract* 1926 p. 18).

Residencies	Density	Residencies	Density
Bantam	293	Lampung Districts....	21
Batavia		Palembang	24
Buitenzorg.....		Djambi	12
Krawang	583	East-coast of Sumatra	29
Cheribon		Benkulen	25
Indramajoe		Sumatra's West-Coast	83
West-Priangan	456	Tapanuli	57
Mid-Priangan		Atjeh and Dependencies	33
East-Priangan		Rhio and Dependencies	16
West Java (Pasundan) .	497	Banka,, ,,	19
Pekalongan	1026	Billiton	21
Samarang	831	W.- Distr. of Borneo	9
Rembang	583	South East Distr. of	
Banjumas	813	Borneo	6,7
Kedoe.....	1147	Menado	30
Djoejakarta	1046	Celebes and Dependen-	
Surakarta	842	cies	48
Madioen	699	Moluccas	3,1
Sourabaya	1054	Timor and Dependen-	
Madura	821	cies.....	43
Kediri	725	Bali and Lombok	382
Pasuruan	653	Total Outer Provinces.	18,9
Besuki	381		
Total Java and Madura.	679	Total Netherlands Indies	65,7

According to the results of the census of 1920 the most densely populated districts in the Outer Provinces remained below the average for the whole of Java (679 per sq. mile). South Bali with 562 people per sq. mile is slightly more densely populated than Djember (523) which, with the exception of two, is the most sparsely populated district of East Java. The districts of Priaman and Batipuh on the West Coast of Sumatra then follow (373), corresponding with Krawang (389), which belongs to the most sparsely populated districts of West Java.

The majority of the districts remain below the 250 mark and even below the 125 persons per sq. mile, while in Java the lowest figure is in Lebak (162,4) which together with Banjuwangi form the two districts, which remain below the 250 mark.

Number of persons per sq. mile	Number of districts	Total number of people.		
0 — 500	15	6.296.509	18.0	pCt.
500 — 750	24	10.902.287	31.1	„
750 — 1000	19	8.412.961	24.0	„
1000 — 1250	10	4.282.570	12.2	„
1250 — 1500	6	3.178.810	9.3	„
1500 and more	4	1.903.282	5.4	„
	78	34.976.419	(Java and Madura)	

The distribution of the population over the various districts, which on an average contain from 450.000 to 500.000 people, also shows great divergence; 27% of the population lives together in a density of more than 1000 per sq. mile.

In order to show at which density level the Java figures lie, I will compare three economically characterized groups of countries. The density in the first and third group (to which Java belongs) is considerably greater than that in the agricultural countries in the temperate zones. The fourth group, to which the Outer Provinces belong, consists of Oceania and the Philippines.

1 sq. mile — 2,59 sq.K.M.	Density.	
	per sq. mile	per sq. K.M.
<i>I Industrial areas</i>		
Saxony	805	311
Rhineland	717	277
England	650	251
Belgium	635	245
Westphalia	572	221
Rhode Island (United States of America)	484	187
Massachusetts (United States of America)	466	180
<i>II Agricultural areas in temperate zones.</i>		
United States of North America	241	93
Hungary	223	86
Austria	202	78
Denmark	197	76
France	184	71
Portugal	171	66
Rumania	142	55
Bulgaria	122	47
Servia	111	43
Spain	109	42
Greece	98	38
South America	44	17
<i>III. Tropical and sub-tropical agricultural areas.</i>		
Kiangsu (China)	875	338
Java and Madura	679	266
Bengal	609	235
Tse Kiang (China)	601	232
Shantung (China)	552	213
Oudh	502	194
Madras	298	115
<i>IV.</i>		
Ceylon	179	69
Philippines	91	35
Siam	47	18
Outer Provinces of the Netherl. Indies	19	7

Other countries also have their densely and sparsely populated districts, but it is seldom that such extremes are encountered in such a small area. In his very instructive book "Population problems of the Pacific" Mr. S. H. ROBERTS quotes several territories in Australia with their respective densities which may be compared with those of the Outer Provinces.

PRINCIPAL PACIFIC ISLANDS

	Square Miles	Total Population	Natives	Total Population p. Square mile	Native pop. p. sq. mile
Ex-German New Guinea (Australian Mandate)	89,252	(1923) 338,237	335,258	3.7	3.7
Dutch N.-Guinea	180,000	(1920) 195,460	195,460	1.0	1.0
Papua (British New Guinea)	90,540	(1923) 276,888	275,000	3.0	3.0
Total Guinea	359,792	810,585	805,718	2.2	2.2
British Solomons	14,800	(1922) 150,585	150,000	10.1	10.1
New Hebrides	5,100	(1924) 60,861	58,700	11.9	11.5
New Caledonia and Loyalty Islands	7,650	(1921) 50,608	28,075	6.6	3.6
Marshalls, Carolines Mariannes (Japanese mandate)	925	(1923) 52,219	48,501	56.4	52.4
Fiji	7,083	(1921) 157,266	84,475	22.2	11.9
American Samoa	95	(1922) 8,194	8,058	86.2	84.8
Western Samoa (N.Zealand Mandate)	1,250	(1924) 38,000	34,058	30.4	27.2
Total Samoa	1,345	46,194	42,116	34.3	31.1
Hawaii	6,500	(1924) 307,177	42,221	47.2	6.4
Tahiti and Dependencies	1,372	(1924) 31,703	26,569	23.1	19.3
Total ¹⁾	464,168	1,750,021	1,375,951	3.7	2.9

¹⁾ Including several smaller groups of islands.

§ 3. *The Colonial Development.*

It is only natural that this characteristic difference between Java and the rest of the Dutch East Indies has exercised considerable influence on the colonial settlement in the Dutch East Indies. It is true that correct population figures for Java for previous centuries are unobtainable but the figures for the 19th. century show that these must have been considerably lower than the present ones. But even then the key districts of Java, the fertile plains situated between the volcanoes, which were the seat of the late Mid- and East Javanese kingdoms were much more densely populated than the surrounding districts and the other islands.

In the 19th. century the rapid increase in population was localized geographically so that the already densely populated districts remained at the same level or increased only slightly, while Java as a whole became fully occupied for the first time through the steady extension of residential centers and the utilization of other agricultural areas.

The trade centres were situated on Java's North Coast, and the coast districts of Mataram offered opportunities for the opening of regular trade relations with the interior. As is known the Dutch colonisation centred its activities on the North Coast of Java and further at a few sparsely populated points such as the Spice Islands of the Moluccas. At first the East Indian Company followed the same policy everywhere; namely, monopoly trade, supported by fortified settlements on the coast, which had been obtained by negotiation or conquest.

The only district where they were originally compelled to adopt a territorial policy, which by degrees became more forceful, was Java.

Here it appeared that, owing to the presence of a dense population and a more orderly political development, the possibility existed to organise the producing forces themselves. At first this was done indirectly by the system whereby the Company compelled the chiefs to furnish supplies and this in turn caused the latter to demand more forced labour from the inhabitants.

Later when corruption and bad management had undermined the Company and the State introduced direct Government and exploitation of these lands, the so-called "Culture system" of VAN DEN BOSCH was applied.

The population was forced to grow coffee and other produce; purchase and sale of the products were State monopolies. The system was based on the possibility of part of the ground and part of the

labour of the inhabitants being at the disposal of the Government. Here the admissible limits were exceeded even from a strict economic standpoint.

On the other hand this system provided a stimulus for the opening up of undeveloped land and the population was considerably stronger in number when the system was abolished than when it began.

This is an example of the inter-action between a certain density and the labour system. First made possible by a certain existing density and strengthened by the dormant possibilities, which the undeveloped land offered, the culture system was in turn responsible for an even greater density. In this way it prepared the way for the third period in the history of Java's labour i.e. that of the private large-scale cultivations. The sugar set the example and the other cultures followed.

The development, at first slow, but later rapid, of the Western agricultural industry, which reached its climax in the first decade of the 20th. century, coincided with a second equally important process: the development, by the emancipated inhabitants of their own ground.

Irrigated fields were laid out, dry fields were more regularly cultivated and the boundaries of the forests and undeveloped lands steadily receded, while at the same time the outline of the production system remained the same.

Clive Day characterized it in a few words: "Development in breadth not in depth" and therefore broadening and strengthening the basis on which the large-scale plantations in Western hands were possible. At the end of 1927 625.000 H.A. were planted, while the estates had to their disposal nearly as large an area again, which although of lower quality, was still uncultivated.

The development in the Outer Provinces was totally different. Apart from local and usually unsuccessful attempts at establishing forced cultivation, the Westerner was forced to confine his activities in the Outer Provinces to the purchase of voluntarily grown produce and trade. ¹⁾ State control was lacking there even as late as the 20th. century thus preventing any possibility of intensive colonisation. There was one exception — Deli. Half a century ago a district was discovered where a rare quality-product with a monopoly position in the world market was thriving — the Sumatra wrapper leaf.

1) In the clove-producing Moluccas the original inhabitants were driven out and replaced by European and half-caste colonists.

It was here that the most intensively cultivated district in the Dutch East Indies sprang up. Peculiarly enough it was not as elsewhere, built upon the autochtone population, on the *desa*, but rather by supplanting the original, sparse population, the coast Malays. The waste ground was exploited by outside forces, — labour and capital.

At present and partly on the same basis, a large-scale agricultural industry is in course of development in other parts of the Outer Provinces, especially Sumatra, and yet the culture district of the East Coast of Sumatra still forms $\frac{3}{4}$ of the total planted area outside of Java.

It will thus be seen how different was the point of attack of the Western activities depending upon whether it concerned the densely populated island of Java or the sparsely populated Outer Provinces. In Java both native land and labour combined in large-scale industry; outside either the land alone or the produce obtained from the activities of the natives themselves.

§ 4. *The Agrarian Antithesis.*

Although this rough survey clearly demonstrates the action of the population density on the foreign industry, this factor is also of utmost importance to the native industry, the village household.

The fraction $\frac{\text{land}}{\text{population}}$ governs the contrast between the forms of agriculture in Java and elsewhere. Let us investigate this in detail.

The whole village economy of Java is characterized by the fact that the centre of its labour is formed by the cultivation of food crops on irrigated fields. The cultivation of rice is paramount. The agricultural system is one of tropical rotation crops, the tilled area dominating; permanent grazing grounds are very sporadic. The relatively small number of cattle graze on waste ground and stubble fields. The manner of working is very intensive, but lacks capital. The use of modern agricultural implements, efficient manuring or selected varieties of crops is still in its infancy. The only fertilization on any large scale is the irrigation of the fields which partly depend on the important water works, which have been constructed by the Government.

Both technically and in an economical-social respect, the Javanese village agriculture is remarkably similar to that encountered in the rice districts of South China and Japan, and a few other East

Asiatic lowlands, which are colourfully and fully described by KING in his work "Farmers of 40 centuries". Literally all the peculiarities of this agrarian constellation are directly connected with the density of the population and the resulting small area productive land per head of the farming population. Landed property occurs in very small units with widely dispersed ownership in many districts. In addition to the farmer-owners there are a large number of farmer-renters on the basis of "métayage", while further an ever increasing group of the population, who own no land, provide the permanent farm labourers and the casual labourers.

In comparison with other countries with the exception of Japan, the yield per given area is not so low, but the yield per head or family is extremely small. As a result the standard of living in many districts is very low, sometime bordering on the physiological minimum.

This density has grown into a "relative over-population" now that, especially during the last half a century, the increase in the population has exceeded the producing capacities.

For some considerable time the yield per acre shows only a slight increase or none at all; in some cases the yield decreased owing to the addition of unfertile ground to the cultivated area.

Owing to the fact that this dense mass of people had to live on and from the fields, that the farmer and his family, assisted by paid labourers, did all the work themselves and to the lack of opportunities of earning extra money in many districts, another characteristic phenomenon asserted itself; i.e. an enormous unproductive surplus of labour. The division of labour among the sexes is a dominant characteristic of the work. The women plant, weed, harvest, pound and prepare the product; the men perform only fieldwork.

In all districts where there is little opportunity of cultivating two crops, there are many months of unemployment, and in other parts even where two crops are raised, where there are no large-scale cultivations to absorb the surplus labour, millions of work-days of adult laborers are lost.

In order to understand fully the economic relations in Java, this factor and its far reaching influence must not be lost sight of, as this is the crux, as it were, of a situation which has come into existence in the course of the last century, whereby the density of the population has more and more exceeded the producing capacity of native agriculture in its present state of development.

A large number of adults, both men and women seek or can seek additional employment outside their villages. This dominating

labour supply consists chiefly of simple, uneducated types, but these are of equally great value to the large-scale cultures in the tropics. Owing to this reason their wages are low, even in relation to their capacities, which are often below Western standards. We shall see that this partly permanent, partly periodical labour supply, dominates the Java cultivations.

If we turn to the Outer Provinces we find that conditions are just the contrary. As a rule all available laborers can find more than sufficient work in their own villages. There is even a *relative under-population*, inasmuch as in many districts the latent natural productive forces cannot be exploited sufficiently. In many districts there are large tracts of surplus land. The settlements of the autochthonous population, surrounded by extensive forests and plains are as islands in the sea.

The form of agriculture is in complete harmony with these conditions, but totally different from that of Java. Even if we exclude the backward, half wild tribes (which inhabit Central Borneo, New Guinea and many islands of the Eastern Archipelago), it will be found that a very extensive culture on unirrigated fields, the so-called "ladang", predominates amongst the more civilized tribes ¹⁾. This is often incorrectly referred to as predatory cultivation. As long as there is a surplus of land, which can be abandoned and allowed to recuperate, such an extensive cultivation is economically justifiable.

Owing to the virgin nature of the land and the immense areas, this primitive form of agriculture does not stand in the way of a higher standard of welfare. On the contrary, unlike Java, the desire to work outside the village is at a minimum and there exists also a great objection to working for others. For this reason the Malay has often been called lazy. From the point of view of the planter who is seeking laborers, this opinion is understandable. Their love of independence and their easy going life are characteristics, which they share in common with many other inhabitants of the tropics. Indeed the adaption of these minor groups of the population to their luxurious surroundings sometimes approaches the attractiveness of a fool's paradise.

The contrast in the relation $\frac{\text{land}}{\text{population}}$ has also a far reaching influence on the nature of the crops cultivated. For a dense population with little capital, there is only one way to adapt its agriculture to the necessities of its life, i.e. the cultivation for its own use of food crops which give a high yield. This preponderates in Java.

1) Known as "Brennwirtschaft".

Of the 20,043,984 acres of planted native land, 18,389,283 acres are planted with annual staple food crops, while only 1,654,700 acres are planted with annual commercial crops.

The tree crops such as coconutpalm, capoc, tea and coffee are cultivated by the natives, but the production occupies a very insignificant place in the export trade as the following figures show. Of a total agricultural produce export of 675 million guilders only 36 million was derived from native crops, or 12,7%.

In the Outer Provinces the inhabitants have a much wider choice. Extensive tree cultivations of many years standing, which require little labour, are in place and we therefore find there important copra, coffee, and rubber producing centres. In 1927 the native population contributed 298 million guilders (55.1%) toward a total export of agricultural produce of 541 millions from the Outer Provinces. This works out at f 21.30 per head against f 2.40 per head for Java and Madura.

The only factor which is available in Java in abundance is labour.

The cultivation of rice belongs, as is known, to the most intensively worked branch of agriculture. In Java many traditional forms of labour and many agricultural customs which are maintained have this social function: they provide work for many who would otherwise find no place in the village. The introduction of more rational methods and the use of more efficient implements would render many laborers superfluous. The rapid introduction of drastic changes will therefore meet with resistance.

Finally, in this connection it must be pointed out that the commercial crops bring the producers in contact with the outside market which in turn leads to import which exercises a stimulating influence on the whole social life of the community.

§ 5. *Why no levelling ?*

In the mind of the reader of this explanation, the question must be arising: why do such contrasting conditions continue to exist? Theoretically it is indeed a paradoxical and pathetic situation; on the one hand a densely populated island, with a large majority of the people depending on the land for their livelihood, with surplus labour, low wages and lack of ground. On the other hand there is surplus land, under-population, lack of labour for hire. Why is there no normal levelling up? Why does not the surplus labour emigrate to the Outer Provinces?

Before going further into the matter, it is necessary to mention that this contrast between Java and the Outer Provinces has existed

for ages. Natural causes — the volcanic nature of the soil in Java and the favourable seasons — and the geographical situation across the ancient trade route from Arabia and India to China must have contributed to these conditions.

The political development accentuated this contrast, and especially the tremendous increase in the population since 1850 has brought matters to a climax.

In the Middle Ages settlements of Javanese in Sumatra and South Borneo were known, and their descendents remained there after the fall of the Javanese empires. How this emigration, which at the same time formed a political expansion of the empire of Modjopait, was accomplished is unknown. On comparing these with other similar settlements, a very important fact is indicated i.e. that this emigration was not of an individual character. This sort of emigration where the men, either accompanied by wives and children or alone, seek their fortunes in a new world — the method by which the United States has grown during the 19th. Century to a country of millions — is a typically Western phenomenon. The Javanese do not possess the individual energy of character of these modern land seekers.

The Malay, living, fishing and trading on the coasts, is much more expansive. He established settlements throughout the Archipelago. The Javanese however, is primarily an agriculturist and remains a part of an agricultural village community. An individualistic unorganized settlement in the tropical jungle would be of no use to him. Only the settlement of a village community can overcome the tremendous difficulties encountered. Individually, for those seeking work, there are only the Western and native industries. The latter have only recently been able to absorb labour on a large scale, owing to the development of rubber planting. The former will be referred to later.

Another handicap is his entry into an autochthonous population with a strange language, of other nationality, with strange customs and often antagonistic towards strangers. As a rule it is also necessary for him to adopt a much more extensive form of agriculture than he is accustomed to. Finally he generally suffers from lack of capital. All these factors counteract any tendency toward the emigration of large numbers of Javanese to the other islands. The decline in energy and enterprise, which is the result of 300 years of colonisation, must also be mentioned. The only successful case of voluntary colonisation so far was the transfer of 20,000 Javanese villagers to a new home in South Sumatra, which took place with the assistance of the Government.

The largest number of Javanese in the Outer Provinces is found amongst the coolies on the estates. The latter recruit their laborers from the most densely populated districts of Java and usually from the poorest classes. Drastic laws were necessary to protect the coolies against ill treatment during the recruiting and on the Estates. In spite of all the trouble that has been taken the idea of entering into contracts for work in Deli or other agricultural districts is not very popular in Java.

This all goes to prove that an exodus of Javanese, even in the near future, will be a very slow process, and without the cooperation of many factors: estates, Government support and an awakened energy amongst the better educated Javanese, (who can find no place in the villages) it cannot be a success. In 1920 the total number of Javanese (men, women and children) living in the Outer Provinces was about 600.000. The annual increase in the population of Java however is about 300.000!

§ 6. *The action of the Western industries.*

Everywhere where the Western industries, with their capacity for organization, their technical knowledge and their capital become established in the midst of the native population, two distinct influences on their immediate surroundings are noticeable: a disintegrating and oppressive influence and a stimulating and constructive influence. The prejudiced sees only one side of the question.

The village community is affected in its old customs and habits and in its old laws which were sufficient for the small circle and its selfcontained economy. A struggle for land and labour ensues, the use of money makes its entry, often with evil consequences. Many old social values fail without being replaced by equivalents. On the other hand the way to the world is opened and isolation and backwardness decreases; the people become more free and the most energetic, the fittest as well as the least scrupulous have opportunities placed in their way of which they had hitherto never dreamed. It is impossible to describe in a few words the revolution in native life which accompanies the penetration of modern industry.

It does not differ essentially from the process, which all agricultural peoples undergo on the introduction of world trade, industry and capital. It does differ in degree and tempo. Here those who bring development are foreigners. The state, influenced by them, assists in forcing the change by political means and tax systems. The social

difference, which springs up everywhere, conceals a strong race-element. The upper classes of the State and society are of foreign origin and become more and more important as the years go on. Since 1900 the European population has been trebled.¹⁾ However, the degree to which the Western industry is able to exercise its influence varies and here again the density of the population plays an important part.

Nowhere in the Archipelago has the Westerner penetrated to the extent he has done in Java and this is especially the case during the last quarter of a century. Here this development has pressed back the elements of the higher developed home industries. The native export trade was destroyed and local industry disappeared before the wave of cheap mass-produced imports. The remnants of the native higher classes became civil servants in the state organisation ruled by the Westerner. It is true that unit of the life of the people, the *desa*, was interfered with only to the extent necessary for the delivery of produce. Politically and economically this was a very heavy burden on the village, which from time to time had to be lightened (abolishment of the culture system for example) because the limits had been exceeded.

On the other hand a cultural assimilation or penetration with a population of this size, was impossible and what is more Islam offered resistance. In one spot in the Outer Provinces, much more sparsely inhabited and with a lower form of indigenous religion this conversion to Dutch culture was more successful i.e. in the Minahassa (North Celebes). There the conditions are similar to those in the Philippines in regard to Spanish culture.

In Java however the state and the large scale commerce, traffic and agriculture became Westernized. Of all the industries the sugar cultivation penetrated the farthest. It used, periodically, the natives' ground in many districts in Mid- and East Java and also hundreds of thousands of labourers, thereby increasing the popular income to a large extent. On the other hand it exercised a considerable pressure on the Javanese villages and the Government was obliged to resort to drastic laws. It is no accident that the most backward forms of agricultural propriety rights in Java are encountered in this territory. It is undoubtedly a deterrent to a more prosperous farmer class. In other parts of Java, where the less intensively cultivated estates are established at the foot of the hills and on the slopes of the moun-

1) The paper by Mr. J. W. Meyer Ranneft, included in this bundle contains a detailed description of this recent development.

tains, these also exercise considerable influence. There difficulties also arose, especially in connection with the scarcity of cultivable land and the buying-up of native produce, although not to the same extent as in the sugar producing districts

In the Outer Provinces, the weaker and newer private industry was unable to penetrate into the native community to the extent it did elsewhere. Here the native life maintained its own character and even adopted new impulses from the new centre. Modern traffic, with motor and railroads, means that many districts are caught up in the world traffic stream while the foreigners among them are simply merchants. The figures mentioned above prove the importance of native export crops.

The tremendous difference in the structure of the two intensive European agricultural industries is striking; i.e. the Deli tobacco industry on the East Coast of Sumatra and the sugar industry in Mid- and East Java. In the first case there is plenty of land available at little cost but a scarcity of labour; in the second case there is a surplus of cheap labour from the *desas* but scarcity of ground which makes the utmost economy essential. Accordingly there is in the first case an extensiveness in the form of cultivation which borders on predatory cultivation, which only uses one eighth of the ground each year and allows the other parts to lie fallow for seven years; in the second case we find every available piece of ground being used to the utmost rational limits. In the first case again we find an intensive hygienic care of the individual laborer who, during the term of his contract, is carefully guarded and detained while, in the second case we find a system of groups of coolies working on piece work and engaged by "middlemen" for field work and who have generally no further contact with the estates. As a reflex to this we find that the legislation for the tobacco industry provides an extensive set of labour regulations including the much criticised penal sanction; in the sugar industry this legislation is no less extensive but centres on the subject of the hire of native land. It will thus be seen how divergent are the districts in which the action of the demographical conditions on the economic and social relations can be traced.

§ 7. *Development Prospects.*

After the exposition of a few of the most striking economic differences between Java and Madura and the Outer Provinces, which may be regarded as the results of the tremendous difference in the density of the population, it is obvious that the possibilities for the future development of these two areas of Netherlands India are

equally divergent. The difficulty of the situation can be summed up in a few words: where the development is most needed, it is the most difficult to achieve

The tremendous reserves of forest that await clearing, in most of the districts of the larger islands of the Outer Provinces indicate the potentialities for an increase in the population and for increased production from other causes. Although indigent districts and peoples or tribes, who suffer from unfavourable influences of a natural or social nature, are not unknown in the Outer Provinces yet there is no place of equal area and with such an enormous population where the social problem has become so urgent and alarming, as Java. Here this problem is not controlled by local barrenness or intellectual backwardness or sterile social traditions. Actually it amounts to this: How is it possible for the development of the production to keep pace with the increasing population?

With an average density of 679 per sq. mile and a yearly increase of from 0.9 to 1% this is no small problem but rather one, which under the circumstances, bristles with difficulties. A purely quantitative application of the arable land to the increase in population is no longer possible since practically all available ground is already occupied. In recent years therefore a qualitative application has been tried viz. a change in the forms and methods of agriculture in the direction of intensiveness and modernization. A slow moving process which makes heavy demands on the population and requires support and information from the Government.

However, as already mentioned, a large proportion of the population is forced to work for wages, in addition to their own farming in the service of Western industries, chiefly the cultures. The rapid development of these industries, which have attained a high standard of technical organisation, must be regarded in the light of an industrial development of the country as a whole. It is here that the specific characteristic of this process in a plantation colony such as Java may be found. Everywhere economic development goes hand in hand with differentiation, class forming and breaking away of prominent industries and personalities from the mass of small producers. In a colony the owners and leaders of these industries come from abroad. Large-scale industry has been imported. The formation of a class of wage earning labourers from the weaker elements of the farmer masses coincides with a race division which is increasing in extent and importance. The upper circles, not only in the Government, but also in industrial life are formed by whites, more so than in any previous period.

This again places further specific difficulties in the way of the further development of the Netherlands Indies. The nationalism which is awakening in Asia amongst the brown and yellow races is also noticeable here. Its first aim is politics and the reformation of the state but it does not halt there. It will also make itself felt in the economic life, in the sense that in the long run political freedom and economic dependence do not go together. Seen from the nationalist point of view it amounts to this; that they wish to see the differentiation, which evolution demands, carried on into their own natural sphere. A native class of agriculturists, merchants and leaders of industry will then be necessary. How is this object to be attained? Where will it be able to find its field of action apart from or even in competition with the present Western undertakings? An almost insignificant beginning in this direction is observable, but much weaker in Java than in the Outer Provinces where the export crops of the native planters develop unhindered. One obstacle to this development is that, with one single exception, foreign industry stands alone in the midst of the native small-holders. Between the latter and the estates there are no steps from small to medium or medium to large.

With the exception of supplying a certain amount of material, hiring out their ground and their cattle and supplying unskilled or slightly skilled and foreman labour, the inhabitants do not cooperate in these undertakings. The management is entirely in European hands.

Seen in this light, the rapid development of the Western industries, which is still regarded by many as the most desirable form which the further growth of Indian production can assume, is by no means without shadows and danger. It may be the easiest and the quickest but it is only one way and, considered in connection with the national awakening of the inhabitants of these islands, it is one which is not the best and which certainly does not promise the most lasting results.

Permanent and more harmonious results can be obtained only by allowing the autochthonous population from high to low to share in the development.

To explore these possibilities is a task which demands the highest effort on the part of the natives themselves as well as the best attention of the Government.

Weltevreden, September 1928.

EUROPEAN INFLUENCE ON NATIVE AGRICULTURE

BY

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The East Indian Company.

The first European nation with which the island empire of the present Netherlands Indies came into regular contact was Portugal. The Portugese soon decided not to limit their activities to buying up colonial produce at high prices in Malacca — the rendez-vous of the import and export trade of the Indies — but sought and found the production area of the spice cultures further to the east.

However, shortly before the year 1600 the Dutch appeared as competitors. Their arrival, which resulted in the gradual ousting of the Portugese element, was due to the hampering of their freight traffic in Europe, with which they had successfully concerned themselves, a hampering which did not fail to stimulate their spirit of enterprise. As a result of the policy followed by the King of Spain, Holland had been forced to make itself independent of the Spanish and Portugese harbours, where calls had hitherto been made for the discharge of grain and wood from the Baltic Coasts and to load spices. In order to provide the West in the future with the products of the Indies, they did not rest until a direct line of communication had been established with the Malay Archipelago.

The first period of the Dutch hegemony in this region was that of the East Indian Company, in which the Dutch interests were incorporated. It was founded in 1602 in the form of a large joint-stock company¹⁾ and was granted a charter by the States-General whereby it was promised the trade monopoly and the right to wage war, negotiate treaties and take possession of land.

The aim of the Company was to make the greatest possible profits by trading. It was of opinion that this could best be attained by monopolising trade, both as regards the buying of the products

¹⁾ According to Colenbrander the first in the world's history.
(Colonial History II, p. 91).

of the country destined for the Home Country and the local trade in the East. As far as import was concerned, this consisted mainly of goods from India, Persia and China.

As regards the freight traffic to the European market its policy was to keep the rates high rather than to increase the volume of the shipments. The limited cargo space available also influenced this attitude while it was disinclined to increase the tonnage of its fleet for the reason that the additional capital required would involve the undesirable influence of outsiders.

As the coveted high prices were only guaranteed for those wares which could not be supplied by competitors in quantity, it was mainly special products which attracted the attention of the Company. In this regard special mention must be made of the spices (nutmegs, cloves), the production of which was the natural privilege of a few small islands in the Moluccas. In order to assure the trade monopoly it was now only a matter of course to isolate the producing area, after having limited it as much as thought necessary. In this way the clove culture at Ambon was extended but elsewhere it was destroyed during the annual hongri trips ¹⁾.

Generally speaking the influence of the Company on the native agriculture in this district, which was here of a more direct nature than elsewhere, was characterised by a rigorous restriction of production coupled with low purchase prices. This turned the Moluccas, for the greater part, into a dead country.

Besides that the restriction of native trade resulted in an insufficient supply of food, which in turn led to the planting of food crops.

In that part of the Archipelago situated to the west of Maccassar the Company was unable, owing to the extent of the producing areas with the long coast lines, to maintain the trade monopoly they aimed at, even though it was officially granted. They, therefore, limited themselves to guarding the sea straits as best they could.

Among the privileges which they succeeded in obtaining from the native rulers — often as a result of the assistance the Company had given them in their many internal wars — I mention, among others, the establishment of fortified "Factories" or settlements on the coast; the sole bying rights of pepper in Cheribon, Bantam, the Lampongs and Palembang, of rice in the kingdom of the Sunan of Mataram (Mid and East Java), of sugar in Japara and surroundings

¹⁾ Note by the translator: These so called hongri trips were expeditions sent out by the Company to destroy surplus crops, thus preventing competition and restricting production.

and of tin from Banka; the sole right of import of Indian and Persian fabrics in Bantam and on the west and south coast of Sumatra and a trade monopoly of opium in respect of Cheribon and the territory of the Sunan; the annual supply of certain quantities of rice by the Sunan and of certain products from each of this forty three regencies, to be supplied by the regents (rice, indigo, cotton, teak, coffee, sugar).

Although the Company had come to these islands to trade and not from land hunger, the monopoly system practised by it made it necessary to obtain and maintain privileges through which its influence in administrative matters became stronger and stronger and its power became more accentuated. Slowly it developed from a Trader into a Sovereign. Its income assumed more and more the character of revenues in the form of so called contingents and forced supplies — even though payment was made — instead of trading profits resulting from exchange of goods. Although the Company had little interference with the actual inhabitants and dealt mainly with the rulers and headmen, yet there was a far reaching influence exercised by its policy on the agriculture of the Indies. This policy robbed farming of its legitimate profit, rendered precarious the market for its products and thwarted individual initiative.

The loss of profit was not only caused by the fixing of low purchase prices and by the practise of paying, not in money but in over-valued imported articles, but also because many middle-men appropriated their share in the transaction before the actual producer was paid. The low salaries which the Company officials received promoted a system of general corruption with which both white and brown were infected. This exploitation of the tani (Br. India: ryot) took place not only when settling for the produce delivered but also in connection with the supply of the goods by demanding a very considerable over-weight.

Examples of instability of the market for agricultural produce are provided by the coffee and sugar cultures, which were stimulated or retarded according to the interests of the Company, while the farmers themselves had no notion of the motives.

Originally the cultivation of the former crop, which was brought by the Dutch to Java from Malabar, was voluntarily taken up by the people of West Java. They even applied themselves to it with zeal thanks to the encouragement of the Governor General, who saw that good prices were paid for the product¹⁾. When a few years later the

¹⁾ Later on, but still under the rule of the Company, the cultivation assumed a forced character, but this will be mentioned afterwards.

succeeding viceroy considerably reduced the purchase price, the population reacted by murdering the regent who brought the news and by eradicating their plantations. To prevent this happening again the offence was penalized with hard labour in chains.

Nevertheless it was only a few years later that the Company itself ordered the destruction of half of the plantations in the same districts. The object was to prevent the market from becoming overstocked. For the same reason the cultivation of coffee in the Sunan's territory was also prohibited. Half a century later, during the latter part of the Company's period, its cultivation was again commanded in this domain.

The sugar industry was mainly a Chinese industry in the vicinity of Batavia and Japara. This product, which was originally regarded more as ballast than anything else, gradually attracted the attention of the Dutch who later granted certain privileges conditioned on the supply of important quantities of it. However, the speculative character of the business appears from the fact that whenever the Company thought fit, it prohibited the export of sugar for a certain time in order to be able to buy more cheaply.

The difficulties which the tani experienced in the use of his land and in the execution of his work according to his own ideas become especially clear in the light of the contingents; unpaid or underpaid deliveries of certain profitable products which were demanded by the Company from their Java regents, who acted as their vassals and who in turn imposed these on the inhabitants in the form of a tax in kind. It therefore often happened that the small man was forced to cultivate crops which he certainly never would have voluntarily interested himself under the prevailing local circumstances. In the Preanger, for instance, each and every family had to maintain at first 300 and later 1000 coffee trees. In East Java the growing of pepper was required although the inhabitants were new to its cultivation and, as appeared later, the climatic conditions were not suitable.

Another form of these contingents was the forced supply of wood; this meant that the blandong folk, who were charged with this work, had to spend months of their time far from home in the teak forests. This condition was highly detrimental to their rice cultivation and their stock of cattle, whereof numerous buffaloes, engaged in heavy transportation work, died from under-feeding.

The Culture System.

On the fall of the East Indian Company and the taking over of its possessions and debts by the State towards the end of the 18th. century, there dawned a period during which, under a changing government (Batavian Republic, Kingdom of Holland, the interval of British rule, Kingdom of the United Netherlands) the question arose, on more than one occasion, whether the policy which had been followed by the Company should be continued or whether a more liberal system should be adopted whereby the revenue of the country would be obtained from taxes, leaving labour and trade free. This was the first time — probably under the influence of the humanitarian sentiments of the French revolution — that people were found who appeared to consider the interests of the natives and who thereby showed that they did not regard the colonies only from a point of view of greed of gain. Notwithstanding the opposition from this more progressive-minded group, in practice, the old Company system was, for the greater part, maintained, with the exception of a short interval during which the government was in the hands of the Englishman RAFFLES. He abolished the contingents and the compulsory deliveries, even though he was not absolutely consistent in this respect inasmuch as he left the profitable forced cultivation of coffee in the Preanger intact. On the other hand, in analogy with British India, he introduced into Java the so-called land revenue, a tax in money or kind which, emanating from the standpoint that the sovereign in highest resort was the owner of all the land, was a burden on the rice fields intended to be in proportion to the rice yield.

The great significance of his rule was the showing that Java could be ruled on liberal principles, a fact that had always been denied by the opposition. It is incorrect to say that the condition of the people was greatly improved under his system. A satisfactory functioning of the land revenue system premises cadastral surveys and crop yield estimates of the ground concerned and this was lacking. In assessing *bij dessas* (villages) the small man was left too much at the mercy of his principals and in charging individual assessments, the data on which they were based were usually full of mistakes.

This halting between two opinions, so characteristic of the colonial administration during the first thirty years of the 19th. century, was brought summarily to an end when the urgent need for money

induced to a decision on conservative lines, resulting in the application of the so-called Culture system. Owing to the continual deficits which the Government of the Indies experienced after the fall of the East Indian Company and in connection with the tremendous expenses incurred in the last Java war (1825—1830), a sum of no less than 38 million guilders had been borrowed by the mother country for the colonies. In Holland itself the financial situation was also serious as a result of the after effects of the Napoleonic rule and of bad financial management. For this reason, a policy which promised an immediate replenishment of the public funds, even if this was accomplished at the expense of the welfare of the native population in the Indies, was welcomed. It is obvious that the designer of this scheme, meant to fill the empty treasury, had in mind the enhancement of the productivity of the soil of the Indies by an extensive cultivation of crops suitable for the European market. As a means to this end, however, he rejected the suggestion of encouraging private agricultural enterprise owing to the difficulty of competing with the cheap labour of the slave colonies in America, which marketed the same products. His original recommendation was to draw up voluntary contracts between the government and the village inhabitants whereby the latter was to agree to plant a maximum of $\frac{1}{5}$ th. of its rice fields with commercial crops for the benefit of the government. This cultivation — to be carried out under the supervision of European officials and the management of the native headmen — was not to occupy more time than was necessary for their own rice cultivation over the same area. On the other hand the government was to take all risk for its account, allow exemption from land revenue, while the appraisal of all produce supplied over and above the amount exempted was to be paid to the producers.

These principles which, taken literally, seemed to hold out the possibility of lightening the burden of the land revenue rather than enriching the treasury, were quickly deviated from in the practice.

This was absolutely necessary if the objective was to be attained, and after all it even happened in a very high degree under the influence of an unforeseen war with Belgium, which cost Holland a fortune. This forcing of the original intention took place under the flag of VAN DEN BOSCH himself, the spiritual father of the scheme, who was clothed with the function of Governor General in order to apply it in person. Although it was not the original aim, the sphere of action of the culture system was as a matter of fact limited to Java.

At first VAN DEN BOSCH confined his activities to the cultivation of indigo and sugar cane. As these products had to undergo a manu-

facturing process before they were suitable for the European market, the government had establishments built which it placed under the managership of Europeans and Chinese with whom contracts were closed for the supply of the product ¹⁾ at a certain price, in consideration of loans lent to them.

It was not long before his attention was drawn to the extension of the government coffee gardens. Here he had a going concern, since the profitable coffee culture in the Preanger had been left intact after the fall of the East Indian Company, even during more liberal régimes.

Actually the extension of the coffee area had nothing to do with the original plan of the culture system inasmuch as it had to be carried out not on the ricefields but on ground which had yet to be cleared of jungle. However, it does belong to the complex of methods which was later known in the practice as the culture system and it is this complex from which the name obtained its linguistic franchise.

Attempts to cultivate tea, silk, tobacco, cotton, cinnamon, cochineal and pepper soon followed but the results obtained were always so poor, in comparison with the indigo, sugar and coffee crops, that the government never succeeded in having them planted on a large scale.

The first 20 years of the culture system (1830 — 1850) were characterised by an increasing wave of extortion, without any consideration for the interests of the people. What was the trouble? Two years after the arrival of VAN DEN BOSCH it was simply decreed that each residency was to be given a fixed quota of certain products which it had to supply. This in order to realise the plan to bring in the government at least f 5.— per head from the cultivation of market crops. With a view to obtain the full co-operation of the European and native administrative officials they were given an interest in the undertaking, in the form of a so-called culture-commission. Further promotion was also more or less dependent on the financial benefit which the district contributed to the country. The government also succeeded in obliging the regents by granting them official land possession and the condition that their positions should be hereditary.

Under these circumstances the "free-will" agreement between the contracting parties was a mockery.

The condition that only $\frac{1}{5}$ th. of the rice fields of a dessa might be used for the cultivation of crops for the government was

¹⁾ Later it was only part of it, at least in the case of the sugar. The balance was sold for own account.

never observed. One third, one half and even the whole of these irrigated fields were used for that purpose.

The demand for labour — which was also claimed for the clearing and the cultivation of dry ground — was far in excess of the limit which had been laid down. Instead of 66 days per year, which originally was the normal period, the interests of certain government cultures often necessitated those liable to service working 240 days and even more.

Where the culture system was introduced, it did not do away with the land revenue but this tax was levied in addition. Its burden became even heavier all along the line so that in 15 years its contributions to the state were more than doubled. The fundamental principles being violated it can be imagined that the surplus over and above the amount of the land revenue tax, with which we dealt before, was never paid.

The evil chances of crop failure had also to be borne by the Javanese, though he was not to blame for it.

In addition to the intentional violation of practically all the fundamental principles of the system in the form in which its creator incorporated it in the Official Gazette (1834 No. 22) there were still other unfair and arbitrary practices. Of these may be mentioned not only the excessive use of forced unpaid labour for the construction of roads and bridges for the transportation of the produce, for the supply of building materials (wood, stone, tiles) and for the building of the necessary establishments, but also the use of forced unpaid labour for the growing of the crops demanded by the government. Another evil was the placing of all responsibility on the Javanese farmers, not only for crop failure but also for all natural and economic factors which adversely influenced the financial results. The scanty wages were not based on the services rendered but on the market value of the produce supplied and could therefore fall to nihil. This was all the more unfair since the people themselves had nothing to say regarding the choice of crops or the ground and were often forced, for years, to grow crops which were totally unsuited to the district so that they gave only a very poor yield. This condition was aggravated when the cultivation required greater attention and was laid out on remote sites.

The influence of the culture system on the native agriculture was of a far-reaching detrimental nature. It goes without saying that the withdrawing of ground and labour resulted in a reduction of the producing capacities of the indigenous husbandry as long as the situation continued. But besides this merely mechanical effect

another thing has to be kept in mind. The long degradation of the tani to an underpaid labourer, in compulsory service on the large estate which the government of the Netherlands Indies, as it were, exploited in Java, coupled with the uncertainty of being able to dispose of his own ground and energy, killed all his creative qualities and initiative as a farmer. This social-psychological factor did not immediately disappear on the abolition of the forced labour system and with this there were other strong influences continuing which did much towards retarding development of the natives along agrarian lines.

The first was the isolation from marketing opportunity which resulted from the monopoly system as practised both by the Company and by the government. The Javanese population, whose duty was only to furnish supplies, gained no trading experience, had little or no benefit from high prices and was deprived of the stimulation for increased production, which follows from a knowledge of the market and a fair price for the product.

In the second place the development of the common land property of the dessa community at the expense of individual possession, which process was attended by a splitting up of the ground in uniform petty allotments, as a base for a great number of minute holdings. As regards the conversion into communal property: if the indigo and sugar crops were to be a success they had to be grown in rotation on different sites, and since, from the point of view of supervision and irrigation, it was much easier to deal with compact blocks of land, it was to the advantage of the government to regulate matters with a powerful village council rather than with individual land owners.

This sub-division of the fields was carried to the utmost limits and was due partly to the reduction of the area of land available to the inhabitants and partly to the desire to divide the burdens attendant on the possession of ground among all the villagers, i.e. among those who did and those who did not possess ground. This brought with it the advantage for the government that it could increase the total quota while it lightened the burden of the land owners individually by making the landless proletariat partners in the communal fields ¹⁾.

¹⁾ This fragmentation of the arable land goes still further since — as is the case at present with the renting of communal ground by the European sugar estates — annually an other third part of the village rice fields is planted with sugar cane. The soil is, as it were, divided into three parts, in each of which every partner has his plot.

In the third place we have to mention the interference of the Internal Administration (Civil Service) with native agriculture, which thanks to the culture system has become a tradition, and although in later years the intentions of the officers were good, in practice their meddling with farming often worked out poorly owing to their lack of expert knowledge. This was also the case even where it assumed the character of advice, for the position of these officials brought with it the element of authority and it was a difficult matter for the inhabitants to distinguish between suggestions or advice and orders.

During the second half of the period in which the culture system gave expression to the so-called credit balance policy, i.e. from 1850 — 1870, the pressure of the "cultivations introduced on supreme authority" was gradually lessened by their retrenchment and by the lightening of the burdens.

The revision of the Constitution in 1848 which partly transposed the legislative powers for the Indies from the King to the States General — originally inspired more by liberal principles than by an interest in the overseas possessions — put an end to the state of affairs whereby the King had practically sole authority in colonial matters. The stipulation that in future a detailed report must be presented annually to the Chambers covering the government's activities and that the management and account of the colonial funds must be regulated by law, meant that many matters affecting the administration of the Indies which had previously been secret were now brought into the full light of publicity. As a result of information received from a few members of Parliament as representatives of different political parties who were well informed on the local situation in Java, it was considered necessary to break away from the old principles. The solution was, however, still sought in a compromise between the promotion of the welfare of the colonies and the contribution of money to the treasury of the mother country — a compromising attitude, it is true but, in any case, one which brought a more bearable regime.

The enjoyment of official land ownership by the regents and the payment of culture commissions were brought to an end while in the sixties the government cultivations of tea, cinnamon, pepper, indigo and tobacco were abolished. Only the profitable sugar and coffee cultivation were retained. The latter had up to 1877 contributed no less than 80% of the millions which had been drawn from the Indies.

The abandonment of the government sugar cane cultivation, which had been decided on in principle, was gradually carried out from 1879 by yearly reductions of $\frac{1}{12}$ th. of its area.

The coffee cultivation, which, for fiscal reasons, was to enjoy a long life, was not affected until 1892 when the Chamber decreed that this source of income must be also gradually given up. In the meantime its profit had already decreased considerably by reason of a less strict application of the old fashioned compulsory methods and by adversity in the cultivation. The last remnants of the compulsory system, however, did not wholly disappear until about 10 years ago.

Private agricultural enterprise and welfare policy for the population.

In 1870, on the introduction of the so-called Agrarian Law and its further elaboration in the Agrarian decree ¹⁾ a new course was adopted in the colonial policies. Contrary to the monopolistic nature of the previous government which, for fear of endangering its own profits, had done everything possible to limit private enterprise ²⁾ the new policy aimed at the development of private estate enterprise by granting sufficient legal guarantees. It was, however, decided that the native and his agriculture must be protected by not allowing any encroachment upon his rights to land (i.e. in the so-called hereditary individual and communal property rights and in the right of clearing).

The basis for the estate agriculture was, in the first place, the long lease ³⁾ which covered uncleared land for a period of 75

¹⁾ This decree was only applicable to Java and Madura but provided that the regulations to be eventually drawn up for the Outer Possessions should be in agreement with the law and with the main principles of the decree.

²⁾ Of the 20,000 Europeans who lived in Java in 1856, only 600 were private individuals.

³⁾ For Java and Madura this was mainly regulated by the Agrarian Decree. For the directly governed districts of the Outer Possessions the long lease legislation was not made uniform until 1914 while since 1919 the issue of ground on long lease has also been made possible in the self-governing provinces. The reason for the latter was to substitute the more easily negotiable and more certain long lease for the so-called agricultural concessions, a long term hire contract whereby enterprisers were able to use waste land in the self-governing districts for cultivation purposes. In some districts the government has reserved to herself the right to issue ground on this basis, in others this right is vested in the self-governors but the approval of the government is always required. During recent years no new agricultural concessions have been issued.

years as the maximum, and secondly, the lease of fields owned by the natives, an agreement which, in order to protect the owners, was subject to certain rules laid down by general ordinance.

That the government was active on behalf of the native farmer appears from the fact that the land belonging to natives was declared inalienable to non-natives ¹⁾ This was with a view to preventing the native being ousted by the economically stronger foreigner. Its care for native interests was further illustrated by the regulations governing clearing which safeguarded the title to the native clearers of jungle and, at the same time provided for the general public interests by provisions requiring maintenance of forests and terracing wherever necessary to secure the water supply and prevent soil erosion ²⁾.

A prominent feature of the policy to promote native agriculture was the institution of the irrigation service — originally known as the irrigation brigade (1885) — whose task was to prepare for the irrigation of all government land suitable for the cultivation of rice. ³⁾ Finally the carrying out of the principle: free disposal of his land and his labour for the native, effected a gradual relief from the taxes in labour ⁴⁾.

Thus during the last thirty years of last century there a tendency was already visible towards the promotion of native agriculture. However, it was not before the beginning of the twentieth century that special action was instituted for a systematic welfare policy, derived from the social-ethical idea of responsibility and moral duty towards the peoples living under Netherlands supremacy.

Among the new expressions of social government care the two most important to native agriculture were: the official organisation of the people's credit service in 1904 and the institution of the Department of Agriculture, Industry and Commerce in 1905. In addition the irrigation system was greatly developed.

The abolition of the culture system, which only tolerated the tani in his role of independent farmer as a producer of food for the

¹⁾ This ordinance, which was issued in 1874, was substituted in 1912 by an other one, which provides for penal prosecution as a coercive measure.

²⁾ The first ordinance of this nature dates from 1874.

³⁾ It was the culture system, which had drawn attention to technical irrigation, in the interests of the sugar and indigo cultivation.

⁴⁾ As for Java this resulted in the total abolition of government forced labour in 1914. The so-called pantjen services, which were at the disposal of the headmen, were done away with in 1882. With these the „culture“ services in the interests of the forced government cultivation fell into disuse. The dessa services have been retained.

indigenous population and which in the production of commercial crops recognised him only as a farm labourer in the service of the government, increasingly required that the native holdings produce for the market as they are more completely linked up with the world traffic and have to get in step with the penetration of the "money housekeeping," as the German economist puts it.

In Java the development toward profitable crops as a function of indigenous agriculture has not gone as smoothly as in the Outer Possessions. No consensus of opinion exists on the reason for this.

Some are of opinion that the main cause for the backwardness of Java in this respect is the character of the Javanese, an unalterable hereditary complex of qualities for which the Hollander is not to blame. They refer to his indolence, his lack of energy, his submissiveness and his want of commercial instinct as contrasted with the individually stronger native of the Outer Possessions. Those who support this view do not take history as their starting point but rather see in the historical course of events that Java has provided the proof of the correctness of their ideas. According to them such a regime of suppression and exploitation would never have been possible in the Outer Possessions, owing to the psychical nature of the peoples there.

On the other hand, others explain the lead of the Outer Possessions in the cultivation of products for the world market by emphasizing the difference in historical influence. They call to memory that the Outer Possessions, in comparison to Java, were in contact with western elements only superficially and for a much shorter period and that regular intercourse dates from the time that ideas on colonial politics had attained a changed and more enlightened stage. As a result they have avoided the consequences of an intensive and originally inhuman colonisation, which so typifies Java. These consequences are a tremendous density of population with only a slight social differentiation, expressed in the omnipresence of very small agricultural holdings, in which nowadays practically all the land available is distributed.

As regards the rapid increase in the population we have only to bear in mind the internal peace and order and personal safety, the hygienic measures (vaccination, the control of the plague, cholera and malaria), the prevention of famine, the extension and improvement of irrigation and communications etc. As regards the homogeneous social structure, this is inherent with the line of policy declaring all land communal village property and dividing it equally among all working men, in this way placing all the inhabitants,

both land owners and others on an uniform economic and social level. In addition, and this is very important, the monopoly policy of the Company and the Culture system caused a gap between the producer and the market whereby there was no knowledge of the market, no outlet for enterprise, and no possibility of developing a trading class.

The development of commercial agriculture in Java must therefore be looked for in a limited arable area by a people who in general have still everything to learn regarding the disposal of their products by sale. Where, with such a scarcity of land to satisfy the increasing pecuniary needs, market production is becoming more and more the vogue, its fitting in with the farming settles down to a more intensive use of the soil, which again premises ample participation of capital (sugar cane, tobacco, vegetables, potatoes, onions, flowers). Owing to the lack of capital, characteristic of this rural environment, the tani can only be helped by credit from outside. While this always makes heavy demands on farm management, it is here that peculiar difficulties are encountered, owing to inefficient methods of credit distribution and to the lack of practice of the borrowers in handling money.

In the more sparsely inhabited Outer Possessions, on the other hand, production for the market is organised on totally different lines, due to the greater area of land available. It consists of an extensive cultivation of perennial commercial crops, for which, generally speaking, very little capital is required. Typical in this connection is the growing of native rubber in districts where the so-called rice "ladang" was the dominating form of agriculture. This "ladang" farming is a kind of shifting cultivation, whereby the clearings in the jungles, after having been planted for one or two seasons with rice ¹⁾, are left to grow up with new forest vegetation. Now by planting hevea on these plots, either simultaneously with or after the first rice crop, the cultivation of native rubber develops out of the traditional method of rice growing, without extra costs for clearing and laying-out. When, moreover, as is the case in Djambi, the site is then abandoned until the trees are ready for tapping, the expenses of maintenance are also nil. Under the current expenses for working exploitation we can also eliminate labour costs in cases where the tapping and preparation is carried out by the family concerned, while when this is entrusted to other people the payment is usually made without money on the system of "bagai

¹⁾ So-called "dry rice", as for this cultivation no use is made of irrigation.

doea'' (50—50) whereby half of the produce goes to the tapper and half to the owner of the garden.

Not only rubber but also cocoa-nut and coffee belong to this category of perennial money crops which, grown with small outlay of capital, are capable, of meeting oversee demand.

If, later on, scarcity of land in the Outer Possessions necessitates a greater investment of capital in agricultural production; then it is to be expected that, thanks to a gradual education in money economy along the lines already mentioned and the capital accumulated thereby, such a change in the organization of the holding may be accomplished without great difficulty.

That finally, during the last decades, great strides have been made by the native population in regard to export agriculture, is vividly shown by statistics. The export value of products of native origin jumped from 17 million guilders in 1894 to a yearly average of 438 million guilders for the period 1925/1927 inclusive.

For Java these figures were respectively 7 millions and 88 millions, for the Outer Possessions 10 millions and 350 millions.

It is true that for the whole of the Netherlands Indies the value of exports from agricultural estates (which are practically all in non-native hands) is higher, but the share of the native population in the total export of agrarian commodities has, in the meantime, increased from 11% in 1894 to an average of 34% for the period 1925/1927 inclusive. For the Outer Possessions alone, the share of the native produce is at present even greater than that of the estates: for the years under review it rose from 32% to 56%.

An even more striking illustration of the difference in the development of native commercial agriculture in Java from that of the Outer Possessions is provided by the average export value of indigenous products per head. In 1921 these amounted for Java to f. 1.88 and for the Outer Possessions to f. 7.26. The ratio then was therefore 1:4; since then it has undergone a further change to the advantage of the latter territory and now is something like 1:10.

The statistics do not, however, give a perfect gauge of the market production, as they do not include the commodities sold in the home market.

Both the Department of Agriculture and the People's Credit Service are doing their best to meet the desire for an increase in economic welfare which, after the abolition of the forced government cultivations and under the influence of other factors, gradually have

arisen in the heart of the people. Of the Department mentioned the Agricultural Advice Service, called into existence in 1911, was to be the special organ to emulate this desire. Although differences of opinion exist regarding the results which have already been attained by this Service in connection with the introduction of better methods of cultivation, varieties of crops and of implements, of artificial fertilisers, green manures etc., two things in any event are of predominant importance and full of promises for the future: the confidence, which its officials have won from the people, and the policy, avowed and carried out, of working on friendly terms by and through energetic and intelligent individuals among the peasantry rather than directing a routine series of administrative instructions at the inert mass.

The Credit Service has so far assumed an indirect part in the development of the native agriculture rather than a direct one, inasmuch as usury is checked. As provider of working credit it has not hitherto been very successful. This necessitates intimate acquaintance, mutual interest and co-operation on a basis of equality between the bank and the borrower. The institution at present charged with the care of the agricultural working credit, the so-called district bank or people's bank, is a philanthropical institution which was called into existence by the government, more or less without the people's knowledge. Because of its official character and extensive sphere of action both parties are kept at a distance. Owing to the passive, nay suspicious attitude of the applicants, in the many divergent cases it cannot get to the bottom of the valid needs in order to come up to the requirements of efficient credit. Nor can it check the correctness of the statements of the purposes for which loans are needed, just as it is impossible to see that the money is properly used. Thus, in order to proceed safely, it has to base its activities on tangible, material security, which results in a formal and ineffective manner of working. Here, as everywhere else in the world, the ideal solution would be a properly functioning co-operative credit society, but the success of a rural organization of this nature is dependent in the first place on the people themselves. When the society proves to be only a quasi-co-operation, the situation will not materially improve.

In the meantime, since 1927, the development of a native co-operative movement has been made possible by a legal regulation on the lines of the Co-operative Societies Act, in force in British India. It is especially adapted to the needs and wants of the indigenous community. This appears, for instance, from the fact, that the law

implies government guidance, supervision and control by audit, since the presumption here, unlike in the west, is that a clear co-operative insight among the candidate members is lacking and that they must be trained in this direction.

The intention is not to force the growth of the co-operative movement in this country. The importance of this movement will be determined not by the number but by the quality of the societies.

In order to obtain the desired results from this subtle form of co-operation between the native population and the government, high demands are made on the initiative and auto-activity of the former and on a tactful leadership, which knows its limits, of the latter. The future will teach us to what degree success may be attained.

Finally a few words regarding the influence of the private western agricultural enterprise on indigenous farming. Many have wondered why the native cultivator has not profited by the presence of his European colleague and imitated his organization and working methods, which even in the eyes of the layman is obviously highly superior.

Such an opinion is based on an incorrect insight. The organization of every farm is determined by its objective and by the co-ordination of the natural, economic and social factors of the region in which the farmer works. The more efficient and rational this latter proves to be, with a view to attaining the aim, the better the farm management.

Now the objectives of western enterprises in this country is to gain the highest possible interest on capital invested. Owing to the circumstances under which they work, — the limited area prescribed by the concession and on the other side the large capital which it is sought to make productive —, it is necessary to attain the highest possible yield per unit of area with a product bringing a high market price, in other words to work as intensively as possible.

On the other hand native agriculture usually aims only at providing the needs of the farmer's family. The tani tries to achieve this by his personal and family labour. As the complex of needs determines the production, it depends entirely on the standard of living how the holding is organised in each case. The higher the standard of living the more the solution is sought in a working day which pays more and in an elimination of periods in which there is no employ for the family. This may be accomplished by cultivating valuable money crops which absorb much labour and by fitting in

another crop in the customary rotation system, when an idle period between two seasons leaves sufficient time.

Yet also in the relatively few native farms where the income exceeds the domestic consumption and where profit and gradual capital accumulation is aimed at, the organisation continues to deviate from that of the European estate, notwithstanding that the objectives now run parallel. This is due, on the one side, to the fact that the native farmer seldom carries all his eggs in one basket, so that in addition to a speculative market crop which is the sole product of an estate he sticks to the cultivation of his well-known foods and other crops. On the other hand, since there is only a limited access to capital and credit, but, by way of comparison, free play for expansion in the area under the profitable crop, the greatest productiveness is to be sought and found not in the application of more labour per acre but in the distribution of the labour over as large an area as possible — in extensive operation, in other words.

The rubber cultivation provides us with an illustration of this.

The European planter, whom a limited area procures the basis for a long-term and advantageous capital investment, aims at an exploitation which guarantees a regular and high production during a long period of years. He seeks this in the possibility of the free development of the trees i.e. in a wide planting distance, in a careful tapping scheme and in the selection of a stock of high producing yielders.

The native owner of a rubber garden is, on the other hand, in a position to follow an elastic system of management, because his production can be restricted when the market is low and can be increased in times of stiff prices.

His enterprise is based on the solid foundations of a cultivation of food crops on which he can fall back in case of a rubber crisis, without the cessation of tapping causing him serious loss of interest, thanks to the small amount of capital invested in his plantation. Abundance of jungle tracts and the wage system in vogue for the tappers, which is based on the rubber price and the quantity of latex¹⁾ are the reasons why, when prices are high and more labourers are attracted, an increased production is sought in the tapping and over-tapping of a larger number of trees rather than in a lasting increase in the producing capacity of a given garden. It is true that a native garden which is exploited in this manner can temporarily

¹⁾ The customary pay is in kind and consists of half of the latex the cooly obtains. As the number of trees he can handle daily is limited, he is urged to over-tapping in order to get more product.

produce more — and even considerably more — latex per acre than an estate, owing to the combination of more latex per tree through over-tapping, and more trees per acre, as a result of the closer planting practised by the natives to economise in weeding expense. A forced exploitation of this kind can be maintained for any length of time only if there is a sufficiently large reserve of trees. Over-tapped trees fall off in productivity after a certain time and require a period of rest to recuperate. It is possible that this period of rest is automatically provided by the fall in rubber prices.

The indigenous rubber cultivation, however, does not represent the same picture everywhere. For instance, in Tapanoeli the native cultivation comes very close to the estate cultivation. The more this is the case, the more it is possible for the population to take advantage of the example of the western form of organisation. This, however, does not imply that no derivation is possible when the same crop is encountered in highly divergent types of farming. In such cases there are also instances of the native husbandman adopting elements from the colonial plantation system. In this connection I would mention the cultivation of improved sugar cane varieties and the use of artificial manure by the Javanese small grower, in imitation of his Dutch colleague. And this enumeration is far from complete.

No matter how important such phenomena are, the difficulty of assimilating elements from the western agricultural industry into the organization of a highly divergent native holding is so great that success in this direction assumes the character of an exception.

Apart from the question as to what degree the European estates provide an example for the natives, what does their presence mean to the native agriculture?

In this connection we will confine our attention successively to the colonial agriculture on long term leased lands and to the colonial agriculture on hired fields.

As basis of the foreign large-scale industry, the long lease of both forms is the most important. The acreage falling under this legal title is approximately fourteen times as large as the area of the hired fields while the capital invested in long lease cultivations is predominant.

As only waste land was allowed to be covered in long leases, the estates necessarily left the existing indigenous agriculture intact and in addition have created the possibility of supplementary earnings. Further it is worth mentioning that owing to the necessity of

linking up these estates with the road system, numerous districts have been opened up, which has undoubtedly influenced favourably the native husbandry.

Characteristic of West Java, where 80% of estate tea cultivation of the Indies is established, is a special relationship between this form of foreign enterprise and the tea cultivation of the natives, which covers here an area of about one third of that of the estates.

I refer here to the buying of the so-called kampong leaf by European and Chinese estates. Although this practice implies a certain inefficiency, due to the fact that the natives do not devote sufficient attention to quality, while the lessees use the native cultivation more or less as a buffer against market fluctuations, it is nevertheless undeniable that there exists a community of interests between both categories of producers, which needs only to be led along better paths in order to develop to the mutual advantage of both parties.

The problem of the influence of the long lease cultivations on the native agriculture has, in the course of years, assumed a new aspect in Java. Since the issue of the most of the available long lease lands in the seventies, the population of that island has more than doubled and as a result it has needed considerably more land for the production of foodstuffs and other crops. In the very near future all the existing reserve will have been taken up for this purpose. The question will then arise as to what degree the presence of the long leases, the issue of which at that time was supposed to be without disadvantage to the people, will be detrimental in view of the expansion and development of the native agriculture. This is one of the factors which will have to be scrutinized on the expiration of each long lease agreement.

Of the foreign agricultural industry which is practised on lands hired from the native population, the sugar industry provides a typical example. This cultivation only occurs in Java. Its effect on the Javanese agriculture is of a much more direct and far-reaching nature than that of the long lease estates. Not only because it obtains its labour from the rural neighbourhood in a much more intensive degree, but mainly because it has to make use of the actual fields of the people and in a special manner, because of the demands which the sugar cane makes on the rotation of crops and its preference in this connection for alternating with rice. For this reason the sugar cultivation of the estates and the rice and other cultivations of the population are, as it were, co-ordinated in one large-scale agricul-

tural enterprise, the management of which is practically in the hands of the sugar factory.

The rotation system has now been so arranged that in each three years a given plot is for about $1\frac{1}{2}$ years at the disposal of the estate, after which it comes back to the natives for the rest of the time. During the period that it is occupied by the villagers there are two wet monsoons, which provide conditions particularly suitable for the growing of rice.

As it is considered advisable, in the interests of the sugar cane cultivation, to plant this crop only once in every three years on the same soil, it is necessary, for a continuous cane supply in the annual crushing season, that the area in which the cane gardens can be laid out be at least three times as large as the yearly plantation. In this case the cane area is divided among all *dessas* situated in the territory as it is prohibited to let more than $\frac{1}{3}$ rd. of the village fields per year with a view to assuring the food supply.

If the influence of the sugar estate on the local farming is exceptionally great, of what nature is it?

We now touch on a question which viewed from the wider aspect of the advantages and disadvantages of the Java sugar industry for the country and the population, makes the most disputed problem of the colonial economics.

It is certain that as a producer of sugar, this form of agricultural industry plays an important part in the world economics and as such undoubtedly represents a world interest.

As may be expected its function in the life of the Netherlands Indies is also of tremendous significance. It has been repeatedly pointed out how the sugar industry annually distributes millions of guilders to the inhabitants in the form of wages, rent and supplies (be it granted that this did not lead to capital formation for which wages—by far the greatest source of income—generally speaking are not fit). It has been calculated that to a considerable extent it contributes to the State funds in the form of taxes and of freight traffic on the State Railways. Attention has been drawn to the fact that these public funds are made subservient to the execution of a welfare policy which includes education, hygiene, irrigation etc.

But when we confine ourselves to the action on Javanese agriculture, the dominating fact must be stated that it does not promote the development of a strong farmer class within its sphere of influence, in fact it has stood distinctly in the way of that development.

The sugar industry, for the sake of a cheap and assured produc-

tion, benefits by a dense rural population, with a small and scattered landed property, by preference consisting of periodically changing shares in the communal fields, so that it shows practically no attachment to its lands and feels dependent on the work opportunity which the estate offers. Where it encountered suitable conditions for its establishment in the districts with so-called communal land property, it has, building on the traditions of the culture system and with the help of a powerful *desa* council.¹⁾ found the means to make the situation permanent or to make it still more conform to its requirements. In this way, for instance, the estates succeed in obtaining one third of the *desa* fields in compact groups.

A comparison of the total area occupied yearly by the sugar cane plantations with the total acreage of rice fields in Java²⁾ does not provide, either quantitatively or qualitatively, a correct measure of the effect of the sugar industry on native agriculture. As regards the extent, the sphere of influence can be estimated, in connection with the rotation of crops, at about four times the area of the yearly plantation. This implies that over a territory covering from 20 to 25% of the total rice field area of Java, no prospect exists for the development of a strong and prosperous peasantry. This state of things becomes even more significant when we take into consideration the fact that in the districts in question the fields are the most fertile and best irrigated and for this reason offer, potentially, the best chances for the development of the indigenous agriculture.

Why should so much importance be attached to a strong peasant class in Java?

From an economic point of view, it is only from such a class that the initiative can be expected which can lead to an evolution in the native farming. Without such an evolution it is difficult to see how the population can keep pace with the growing complexities of life incident to an increasing density of population.

From a social point of view because here as everywhere else in the world, the best counter-weight against revolutionary currents is a calm, satisfied and steady nucleus of the population, represent-

¹⁾ The authority of the *desa* headman in these districts, where every participant is assigned his share in the *desa* land and also his *desa* services, is very great.

²⁾ These rice fields or "sawahs" are the so-called wet fields on which rice is grown in the West monsoon. Distinction is made between the irrigated sawahs and those dependent on the rains. Both are divided in partitions by bunds.

ed by a community of substantial, well-to-do farmers. For Java the importance of this factor is all the more accentuated, since the disturbing element of a too rapidly penetrating money economy in an agrarian community which until recently had been practically without it, causes a temporary loss of balance and discomfort, which makes the country people unsuited to their social task. This is especially the case in the sugar centres, where the ties between cultivator and holding are already very loose.

It is therefore a matter of government interest, when considering applications for concessions, not to confine itself to the weighing of the now existing advantages of the native husbandry and the estimated income from the estate, but also to consider whether or not the tract in question offers possibilities for the development of the native agriculture under its own steam.

If this is the case, no illusions should be held that on the establishment of a sugar estate an existing farmer class will not be reduced to the state of a coolie colony dependent for its existence on the foreign agricultural enterprise. Yet we cannot blame the Javanese for not being able to maintain himself against the mighty influence of the factory.

A solution of the conflict between the sugar industry and the native agriculture would appear to be only possible by co-operating in the sense that the natives grow the cane independently and that the factories buy it up for preparation. This is of itself again a difficult and complicated problem, to which we will only refer here. The tremendous significance of the settlement of the conflict of interests, however, renders highly desirable a very serious study of the problem by both parties. It is to be hoped that a solution will be found in the near future which will bring both parties nearer to each other.

THE INFLUENCE OF WESTERN CIVILISATION ON THE LANGUAGE OF THE EAST INDIAN ARCHIPELAGO

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The subject of this paper as designated by the above title appears, at first sight, to be a very simple one. On one side, Western civilisation, on the other the language of those who are influenced by this civilisation, — thus, it seems, two given quantities one of which affects the other while it is required to determine the extent of this influence. The problem appears to be plainly put, but this inference is awakened only because we are accustomed to use readily collective nouns and abstract terms without giving due thought to the meaning which they actually convey. It is just because their action is so simplifying that we have learnt to use abstractions!

The term "Western civilisation" is one of these useful and greatly used collections of the most divergent matters, which has been created by our need for abstraction. Actually in using this term we make everything abstract except the Western origin of that which rises in our thoughts, so that the cheap mass products of the Western industries is included therein and also, let us say, the theory of relativity and international arbitration.

This is actually the case. In the intensive exchange of cultural treasures which characterises our age, the West has a practically unlimited variety to offer which includes both the products of material civilisation and the expressions of the most refined intellectual life. The influence of this whole is undeniable. It is the same whether we regret or welcome this Western expansion — it is a fact and, in the cultural development of many lands, it is a fact of dominating importance.

Yet, although it may be true that Western civilisation, like one enormous phalanx, tries to dominate the world, when one desires

to investigate its influence in a given territory, one must abandon the collective idea and return to the individual details, from the whole to the component parts, in order to trace the action of the penetrating forces in each separate sphere of life and to determine the results.

Therefore, that from which this action emanates can never for the purposes of this investigation, be regarded as one simple datum although, for the sake of surveyability, the collective influencing factors are easily expressed in the term "Western civilisation" and therefore the use of this term in the title of this paper may be regarded as justifiable.

As regards the second quantity in the case i.e. the language, there are also a few remarks to be made in order to preclude any wrong conceptions. Only too often is the impression created that this word implies a given quantity, which, in a lesser or greater degree, possesses an individual life and autonomy, apart from the people who speak it. Actually, incorrect metaphors such as "the life of the language" etc., relics of a conquered period of linguistic science, contribute their share towards the continuation of such errors. One need not be a blind follower of the *Junggrammatiker* school to recognise that one of its accomplishments has been to impart to us clearer conceptions on this point. It has shown us that a language is not an organism which develops independently and that it only exists by the grace of the speakers, while it can be counted among the physica, the physiology or the psychology, according to the point of view. The French sociological school has gone further and taught us that it is a product of social life, born of the collective intellect of the speakers, and a social fact *par excellence*, because at all times the whole mass of speakers is involved.

This amplification was necessary and useful and has, therefore, borne good results. The sociologically orientated linguistics can boast, for instance, of its explanation of the French criminal slang, which previously was incorrectly regarded as a kind of self-made language. Very properly, this movement has brought to the fore the thought that the language is something more than the sounds which our organs of speech produce and even more than an instrument of thought. It is also a traditional possession, the joint property of a group of speakers which, as already stressed by WHITNEY about 1875, each generation acquires anew but to which each generation also contributes its share.

Generally speaking, the language of a certain group of speakers, being the means of intellectual understanding on all matters apper-

taining to life, reflects the whole of its cultural assets, even though it must be admitted that this applies particularly to the objects of material civilisation. The significance of general conclusions of this nature, which can be drawn from linguistic science, leaps at the eye. It is sufficiently well known how especially German science has done its utmost to reconstruct the culture of the Indo-Germans from their vocabulary and one cannot take up a book on the origin or country of origin or oldest cultural possessions of the Malayo-Polynesians without finding reference to the theories formulated by KERN and Father SCHMIDT on linguistic grounds.

However, without advancing the claim that linguistics can write history, it is obvious that, in many cases, it can provide valuable secondary evidence, or make suggestions which can be confirmed from other sides, in the same way as the constellation Neptunus was discovered on the basis of theoretical calculations before it was observed with the telescope.

The language registers to a very significant extent the changes and developments taking place in a certain milieu, which are partly the result of the state of internal affairs and partly arise from outside impulses. There is scarcely a single community which does not maintain relations with a group with a different language and experience the consequences of same. Linguistic investigation has shown that loan words from other languages are to be found in all languages, even in the very earliest historical periods. As accompanying phenomenon of cultural influence then, we see all over the world that foreign words obtain a place in the nexus of the original language and together with the originally foreign culture, become the property of the borrower. JESPERSEN says: "Loan-words have been called the milestones of philology, because in a great many instances they permit us to fix approximately the dates of linguistic changes. But they might with just as much right be termed some of the milestones of general history, because they show us the course of civilisation and the wanderings of inventions and institutions, and in many cases give us valuable information as to the inner life of nations when dry annals tell us nothing but the dates of the death of kings and bishops". And further "..... if (two languages) have been in contact, the number of the loan-words, if rightly interpreted, will inform us of their reciprocal relations, they will show us which of them has been the more fertile in ideas and in what domains of human activity each has been superior to the other".

Here we have arrived "in medias res", and yet from this citation it appears, moreover, that DE SAUSSURE is right when he

considers the significance of these investigations for the *internal* linguistics as not unnaturally great. And, also, the criticism of the representatives of the older school is not wholly out of place, when it objects that everything which the sociological movement carries on its banner is nothing more or less than a series of questions which are actually of an historical nature and have therefore all along occupied the attention of every real linguist.

In any case it may be regarded as an accepted fact among all students that, for the deeper knowledge of a language, it is most decidedly of importance to know the origin of the loan-words and, in general, to be able to trace the action of foreign impulses.

As regards the method, the student of these external linguistics has even an advantage. It is, as the above mentioned master of the French school expresses it: "La linguistique externe peut accumuler détail sur détail sans se sentir serrée dans l'étai d'un système. Par exemple, chaque auteur groupera come il l'entend les faits relatifs à l'expansion d'une langue en dehors de son territoire; si l'on cherche les facteurs qui ont créé une langue littéraire en face des dialectes, on pourra toujours user de la simple énumération; si l'on ordonne les faits d'une façon plus ou moins systématique, ce sera uniquement pour les besoins de la clarté".

* *

*They have been at a great feast
of languages and stolen the scraps.*

SHAKESPEARE, *Love's Labour's Lost*.
Act. V. Sc. 1.

The Indian Archipelago was by no means a remote corner which was shut off from outside influences until the increase in world traffic. On the contrary, it has always been open to Western, (even if it was not European) and Chinese influences and, as far back as our historical knowledge reaches, we see foreign influences at work on most of the important islands. Relations with China are known from very early days and the accounts of the travels of Chinese pilgrims who visited the holy places of Buddhism and studied its teachings at the Indian universities, provide us with many important details regarding the old state of the countries on the sea route and sometimes of those off it, so that we may be grateful to the storms which, now and again, blew them off their course and condemned them to an involuntary stay on one or more of the "islands of the Southern Seas". It is a Chinese report which tells us for the first time of the preaching of the Mahāyāna Buddhism. The oldest epigraphical details of the

The effect of Western influence.

Archipelago itself, the so-called inscriptions of Koetei, in Borneo, are, however, evidence of Western relations, as the language is Sankrit.

KERN, who in 1882 announced these inscriptions, the so-called Yupa inscriptions of King Mulavarman, estimated them as dating back to about 400 a.d. and VOGEL who, in a recent investigation, whereby a large amount of new material was also taken into consideration, again examined the matter, came to the same conclusion. In addition to the fact that it is the oldest document of the Hindu influence in the Archipelago, this inscription is, in other respects, also of great importance for the reason that its contents include a valuable indication of the manner in which the Hindu's colonised in these regions. For one thing, it is remarkable that both the king and his father bore Sanskrit names, but his grandfather not. If we may regard the word *vaṃṣakaritā* whereby the king's father is indicated, in the sense that he and not the grandfather, who is also mentioned and who appears to bear an Indonesian name, was the founder of the generation and if we may add the conclusion that the king's father was therefore the first Hindu-ised ruler, probably a half caste, then we find the same course of events which is also encountered at later periods. The Hindu-ising then, as is quite probable, took place, from the very first stages and from the top; the strangers mixed with the most prominent families in the land and in this way soon attained to the highest functions in the government of the country.

To go further into the Hindu influence which made itself felt especially in Java and Sumatra, would take us outside the compass of this article. There is a multitude of inscriptions in Sanskrit, Old-Javanese and so-called Old-Malay and of monuments which bear witness to this. We have, however, amplified only the oldest one because it includes a typical peculiarity which can prevent us from forming exaggerated conclusions regarding the influence of India. The Hindu culture in Java and the other islands was mainly *Court culture*, the culture of the limited group of the higher classes; the inscriptions refer chiefly to matters of a state and sacred nature with which the masses have no concern. It is also of value to bear this in mind in estimating the Hindu influence on the language.

It is chiefly the Court circle and the high priests who made themselves familiar with the Indian culture, and so we see the poets laureate of the old Javanese *kraton's* imitating the Sanskrit art of poetry (*kāvya*) both in form, character and subjects. They write Indian characters, copy Indian verse measure and style and apply themselves to making real word and sound efforts of their poems

which could therefore only be enjoyed by a small circle of initiated and learned people. The Indian science of those days, like all "vorwissenschaftliche Wissenschaft" culminating in metaphysical contemplation, found among the Çivaitic and Buddhist priests staunch followers. It seems that the Buddhistic enjoyed a period of international fame whereby a Javanese priest is mentioned in Chinese annals because of his skill in translating the holy writings in his own language. It is naturally not impossible that these translations conformed to reasonable demands of intelligibility or were even fairly good. A Chinese traveller, however, would not seem to be the best authority to judge this and one hesitates in view of later specimens of the art of translation in the sphere of epical and sacred literature, to draw from the friendly opinion of the Chinese co-religionist the conclusion that the language of the country apparently lent itself to such adaptation. On the contrary, it was just because the language of the country did not lend itself to the reflection of the foreign trend of thoughts that it was found necessary to import many new terms and in this way the process of borrowing and adoption was started. There is no doubt that a most singular medley of languages was spoken and written at the Old Buddhist religious schools and in the circles of native scholars, in the same way as later in the Arab-orientated Mohammedan religious schools (*pēsantṛèn*) and now in the schools with Dutch as subject or medium of instruction. In all these cases the theory of WINDISCH applies, that a people, when learning a foreign language, do not mix the foreign language with its own elements but its own language with the foreign elements, while its object is to speak the new language as correctly as possible and to understand it as well as it can.

(That it was the intention to study Sanskrit is evidenced by a multitude of media for that study which are found in the old Javanese literature. These are all directed towards making Sanskrit writings legible for the Javanese, but an Hindu would certainly have never been able to learn Javanese from them.)

Now in a milieu in which the language is interlarded with foreign words and expressions, either owing to the lack of equivalent terms in the mother tongue or owing to the desire for distinction, it will always be found that words and especially technical terms which were originally only known to a limited circle, gradually become adopted in the colloquial language. This is an universal phenomenon. In all our modern languages, groups of words can be indicated which have been adopted with the profession or industry, the mode, the sport etc., and although they were originally the fashion only in

limited circles they have, later, become general property. It is therefore not surprising that in due course a comparatively large number of Sanskrit words found their way into the various Indonesian languages, and even into the spoken language of every day. It would be useful to investigate what percentage of the total number of loan-words in fashion in the literature, has been accepted by the conversing communities and which factors determined their acceptance. If in the Javanese and Malay languages we resort, for instance, to the dictionaries and the poetry, we should probably obtain a much too favourable impression of the power of absorption. It must not be imagined that this display of Sanskrit words in poems and contemplative works in Javanese, for instance, is taken up in the language. Without Kawi dictionaries many will not be able to understand the traditional meaning of such ostentatious terms while, further, owing to old misunderstandings the definition of many of these words is totally different to the real Sanskrit meaning. There is therefore no question of Sanskrit influence on the structure of the Indonesian languages, on the so-called "innere Sprachform", even though incidental Sanskritisms are to be found in the Old Javanese classical poetry. The circle of influence was too small for this. It must also not be forgotten that Sanskrit was not the colloquial language of the Hindu immigrants, but only the liturgical and literary language. Small groups of Sanskrit-speaking people would probably have been absorbed in the native masses without leaving any visible traces behind. However, while the number of words from the Indian vernaculars of Aryan origin in the Indonesian languages is exceptionally small and is much less than that of the words from the Tamil, adopted during various periods, the contingent of Sanskrit words, compared to these, must be regarded as considerable. This is also an indication that the foreigners did not force their language on the people, even though it is possible that some words were adopted from the colloquial language of the immigrants (the oldest Tamil borrowings? or must all these be ascribed to the business connections and political relations with South India?) but that they managed to gain the interest of certain native circles for their cultural life. And therefore the Sanskrit loan-words originated in the Hindu-ised higher circles of the original population.

The Indian element in the Indonesian languages, as has already been seen above, is not limited to the Sanskrit. Through the political and especially the business relations with South India a number of

Tamil words were introduced, and later, when Islam had made its conquests in South India, the new religion came with the merchandise and with it a large number of Arabian and Persian words. Indian and especially Gujeratish and Tamil merchants were the people who brought the new religion with them along the old trade route. The conversion of the Javanese and other Indonesian traders to the Islamic faith in the harbour towns of Malaya and North Sumatra was the beginning of the subjugation of the Archipelago to the religion of Allah and his Prophet, a process which is still going on. It was not until then that a greater orientation of Mecca gradually developed, while the immigration of the Hadramitic Arabs did not commence until the conversion of Java and Sumatra was an accomplished fact.

The importance of Indian trade penetration, which paved the way for Islam, is evidenced by the numerous Dravidian trade terms encountered in the Malay language. At the beginning of last century it was impossible to carry on a trade of any importance in Sumatra or the Straits without a knowledge of Tamil, for all calculations and measurements were in that language. For this reason terms such as *bagai* — sort, *pělbagai* — all kinds, *sěgala* — all, *kědai* — shop, *nilai* — estimate, *chukai* — import duty, *tunai* — cash money, *mětěrai* — stamp, all words of Tamil origin, have been adopted into every day's speech. Further, it is typical that the Tamil word *lěbai* — travelling merchant, merchant in semi precious stones, has, in many districts of the Archipelago, come to mean "mosque official". Marco Polo's statement in his description of the Kingdom of Ferlech (the present Perlak in North Sumatra) is therefore correct when he says: "Many of those who dwell in the seaport towns have been converted to the religion of Mahomet by the Saracen merchants who constantly frequent them", whereby must be remembered that Marco Polo as a Christian of the Middle Ages indicates the Moslems by the name by which he knows them best.

Just as would be expected, in Malay, for instance, two categories of Arab loan-words can be distinguished. The oldest covers the words which have been adopted via India, the other those which have been adopted directly at a later date. Words belonging to the first group are recognisable by their particular, Indianised, form or by their meaning, which is not the true Arab one, but was attributed to them in India. There also many Arab words have not been adopted directly, but via the Persian, the cultural language of Moslem India. Also the Persian words in the Malay

language as well as Persian literature have been imported via India.

There were again all kinds of new terms for religious and ethical conceptions, which were introduced by this cultural current. The character of the new religion co-operated towards the speedy adoption of these terms. Islam is a religion for the layman which demands from the believer a slight knowledge, even if it is only the Arabian formula of the confession of faith. A stream of elementary religious education for the masses, usually imparted by teachers who were only slightly superior to their pupils and who, owing to their superficial knowledge sought refuge in the memorisation of that which they themselves had learned, and especially the mystical fraternities, just because they were so primitive and diluted and so little exclusive on Indonesian soil, have brought about a tremendous propagation of certain termini technici from the dogmatical and juridical teachings and from the ethics and mysticism. All these factors contributed to a large extent towards the absorption of Arab words. This slow but sure penetration has been going on for centuries at a regular pace, although in some parts of the Archipelago it has been more intensive than in others. In Bantam, Madura, the West Coast of Sumatra, Acheen and all districts where more interest is shown in religious matters the process of Arabising works its way, especially in religious and devout circles, even works its way into the living habits, as well through a long stay in Mecca as through zealous participation in the pilgrimages to the holy city, whereby Arabian habits and customs were learned and were cultivated on the return to the native country. It is well known what a large percentage of the total number of pilgrims Netherlands India supplies annually and how the development of transportation has made it possible to convey greater and greater numbers.

Recently, a very important factor has been the revival of the Islamitic religious zeal which expresses itself in active laymen's associations such as Moehammadiyah. This association has branches throughout Netherlands India. It works on a large scale and in a manner hitherto unprecedented in the native world while the distribution of literature is carried out in a very efficient manner. The number of newspapers, tracts, exegetical and apologetical booklets it publishes is legion. All this literature bristles with Arab words and Arabic character has been restored to a certain extent. Further, it exercises through its courses, where the Koran is read with the help of modern comments from the Egyptian scholar Mohammad Abduh, an influence on the middle classes of the population, which is not to be underestimated. The Arab element in the language there-

fore is steadily increasing in the circles which are influenced by this association and this will in the long run most certainly lead to the enlargement of the already large contingent of Arab words in the general language, and to start with the newspaper language which is in course of formation.

However, do not let us get ahead of the course of events. We have purposely thrown a light on the period before the arrival of the Europeans to show that they, on their arrival in the Indian Archipelago, encountered varying degrees of culture which, as at the present day, varied from the primitive to the highly civilised. On the islands outside Java, where Hinduism had not taken root to such an extent, it was the large seaport towns which were culturally important, the interior remained dormant until later when circumstances forced its opening. But in Java there was a typical civilisation which had expanded under the shadow of successive dynasties and which was certainly not primitive, although like every civilisation, it possessed primitive features from earlier periods. Also the languages with which the Western adventurers first came into contact, Malay and Javanese, are anything but primitive. On the contrary, compared with languages of the same family they are specifically superannuated, Javanese in a phonetical and grammatical sense, Malay—with its almost intact phonetical system—especially in the latter sense because it has lost the greater part of the richness of form of the Indonesian languages. For this reason neither Malay nor Javanese lend themselves to the demonstration of the characteristic qualities of this family which some languages of the unaffected interior show so clearly. The actual primitively complicated languages only in recent times are directly influenced by the Western invasion. And even now when an European settles in a "primitive" country he has a suite of native servants who speak a related language which acts as a buffer. If, for instance, we refer to the recently published Bare's dictionary by the late Dr. N. ADRIANI, it is immediately noticeable that in Central Celebes terms for all manner of new ideas and matters of foreign origin, which penetrate from the coast into the interior, are mainly of Buginese or Malay origin. Although this is a present day example, it was just the same in the olden days.

The Portuguese, who made their entry into the Archipelago via Malay-speaking Malacca, and who probably managed to acquire a smattering of this language, took advantage of their knowledge of this language throughout the Archipelago. They were able to use it

in the Moluccas and in the whole of the so called "Great East", from which it appears that Malay, even before the arrival of the Portuguese was the *lingua franca* of the Archipelago. It was therefore this *lingua franca* which had to bear the shock of the first contact with the West and it was through the Malay language, the medium of contact between the Westerners and the natives *par excellence*, that Western influence penetrated deeper in some districts.

It was, therefore by no means the Westerners who made Malay the *lingua franca* of the Archipelago. They only accepted, for convenience sake the situation which had been created by the demands of the inter-insular traffic between the Straits harbours, Java and the Spice Islands. If the situation had been otherwise, PIGAFETTA, on his journey with MAGELHAES through the Timor Archipelago in 1521, would never have been able to compose his well-known list of Malay words and expressions. On looking over this list, it is difficult to imagine that they were noted from the speech of people who spoke Malay as their mother tongue, apart, naturally from the auditory errors and the mistakes made in copying them. For too many words have clearly recognisable phonetical deviations which, it appears to me, indicate partly Chinese and partly native speakers of languages of the Eastern Archipelago.

With the arrival of the Portuguese, therefore, a new influx of foreign words begins. Numerous European words are included in the Malay language, a language which, as we have seen above, already included all kinds of Indian, Arabian and Persian words. Again in the case of the Portuguese it was the trade relations and the religious propaganda, the missions, which brought them in close contact with the population. Actually the mission should have been mentioned first, for as real children of their times the Portuguese praised the teaching that the state authority must serve the church, so that the conquest of foreign countries for the Portuguese crown was said to take place for the purpose of extending Christianity in that part. The request for sanction of his conquests sent by Prince HENRY the Voyager to Pope EUGENIUS IV and similar requests sent by the Catholic Kings FERDINAND and ISABELLA after the voyage of COLUMBUS, are well known. In both cases the expansion of the Catholic faith was regarded as the chief objective; "la santa fé católica" was the starting point of all colonising action. As a matter of fact even in the charter of the Dutch East India Company reference is made to the "conservation of the public faith", and remembered the Spanish rulers with thankfulness the tremendous responsibility which God has placed upon them and the obligations which emanated therefrom, with regard to

the conversion of the heathens, also in the literature of the time of the D.E.I. Company the "salvation of the heathen" was repeatedly referred to as the highest objective. It is a fact that, whatever the actuating motive of the Spanish and Portugese colonists may have been, they certainly did take the christianising of the conquered territory seriously to heart. In the Leyes de Indias, from which one can become acquainted with the old Spanish colonial system, large sections are devoted to the task and position of the clergy, which show us how heavily the religious element weighed. Even the institution of the Inquisition, which FRANCISCUS XAVERIUS had urged in vain from Ambon in 1546, was not withheld. If this savours of the Middle Ages, the care of education and public health, the insistence on the study of the country and its people, customs and habits and the realisation of the importance of studying the native languages are of a more modern nature. It is true that there was wide gap between the theory of the Mother country and the practice in the colonies and in the pursuit of the spiritual welfare of the population, their own temporary gain and political power was not lost sight of (to realise this we have only to read FRANCISCUS XAVERIUS' letters!) but it must be stated with pleasure that the correct psychological insight into the work of civilisation was present even though the means sometimes failed because the analysing subject was finally hindered by its own limitations and could not reach out beyond the sphere of its age. Finally they could not resist turning these converts into true copies of their own Western personality. We cannot however blame them for this, for even to-day there are still many who have not abandoned this point of view.

Everywhere where the Spaniards and Portugese came, churches sprang up and religious meetings were held. School education and scriptural instruction was taken in hand seriously and with a strong but liberal hand the new communities were kept together. The settlement was extended by inter-marriage and since the converts, on being baptised, received the finest European names from their foster-fathers, there came into existence, after a short time, a community of various blood mixtures, which, literally speaking, were Western only in name, but which nevertheless, in their own eyes, formed a sharp contrast to their neighbours. It was especially these people on which the foreign authority depended; the native converts often carried out military duties and attained thereby certain civil rights. Also in the Archipelago we find them among the followers of the Spaniards and Portugese. During the time of the Companyeet formed a certain class which gradually became less and less distinct,

to finally disappear and be absorbed partly in the Indo-European and partly in the natives groups of the population. From a linguistic point of view they were a very important factor. In the old Dutch literature one is apt to speak of *mixtiezen* and of *mardijkers* or blacks. The latter are those of Asiatic birth with strikingly fine Spanish, Portugese and later good Dutch names, imitating Europeans in outward appearance and manners. In this slave, *mardijker* and *mixtiezen* milieu a new mixture of languages commenced, now with Portugese elements, which has penetrated to such an extent that a large number of Portugese words have been incorporated in numerous languages of the Archipelago and in the Indian-Dutch language. It is certain, however, that this Portugese influx would never have attained such proportions and would probably have been limited to the so-called Ambonese Malay, if it had not been for the fact that long after the Portugese had been driven out of the Moluccas by the East India Company, Portugese was retained by these so-called *Mardijkers* as the colloquial language in *Batavia*. From the studies of SCHUCHARDT it is known that the Portugese, and to a less extent also the Spanish (in the Philippines), had very close relations with several Oriental languages, which have resulted in a multitude of language creolisms. One of these creolisms was the now almost extinct Malay-Portugese of Batavia and the vicinity, which has also been analysed by SCHUCHARDT in a very excellent manner. The Portugese element therein dates back to the language which the prisoners of war captured from the Portugese and the numerous Company slaves of Indian origin spoke in addition to their mother tongue, for the Portugese never settled in Batavia, which was founded by the Dutch. Also in numerous Indian seaport towns where the Portugese are or have been established, Portugese creolisms are spoken. It is therefore not surprising that all those who came from those coasts knew something of Portugese and used it in their dealing with Europeans. At first the Company discouraged its use but without success. The Portugese language occupied an important place in the Oriental trade and the Company, which had seized the Portugese trade and possessions, found that they had to accept this undesired inheritance also. Then, in addition, the Company officials, who repeatedly changed their headquarters, were just as often assigned to places in the Moluccas and Java as they were to the Indian and Persian coasts, so that they should have been able to understand it sufficiently well. The Day Book of the Castle at Batavia contains any number of Portugese business terms. They therefore did not see the necessity of finding another means of understanding with their

slaves and soldiers, especially after the power of the Portuguese was finally broken. Occasionally, however, someone had a puristical brain wave such as in 1680, when after the departure of the Spaniards from Ternate an order was issued to discourage the use of Spanish "because the Malay language was not lacking there". In all probability the repression of the Spanish language emanated from the same source as the benevolent sufferance of the Portuguese language in Batavia — the desire to combat Catholicism. In the Moluccas Protestantism had been introduced and the language of the Protestant religion was Malay. In Batavia and vicinity, however, the imaginary and real remains of the hated "Papistical idolatry" could best be combated by preaching in Portuguese. We must remember that for Protestant Holland of the 17th. century which was still engaged in a conflict for political and religious freedom when it laid the foundations of its colonial empire, everything that was Roman Catholic was an abomination. For this reason after some resistance (apparently with the situation in the Moluccas in memory), it was not long before both Malay and Portuguese were allowed in the preachings to the Indian slaves and all their offspring, mixed with the representatives of many other nations assembled in Batavia, such as Balinese, Buginese, people from Macassar and the Moluccas, Javanese and others. Portuguese was after all the language most used and which was quickly learned by everybody and this naturally involved consequences. In this way the Portuguese speaking community in Batavia originated and it was not until the beginning of last century that it had to make way for the growing influence of the Malay language, while the discrepancy between the spoken creolism and the official Portuguese from the pulpit also played a part in its decay.

A group of the population which can be more or less compared to this peculiar group of the population of Batavia, is that of the so-called black Portuguese of Timor, usually known as "*toepassen*" by the old Dutch merchants (degenerated from the Hindost. *dūbāshya*, bi-lingual, interpreter, because in India the half castes were usually used as interpreters in the same way as during the time of the Company in Java. The transition from bi-lingual interpreter to half caste is therefore not so absurd.) Indian blood has also been contributed to this group. It is known how they were repeatedly used by the Portuguese at Lifao against the authority of the Netherlands in the Company's territory in Timor. They caused the Company considerable trouble and were finally subdued towards the end of the 18th century. It is only natural that the languages of Timor and especially the

Tettumic, a language spoken by many tribes both in Dutch and Portugese Timor, have been greatly influenced by the Portugese, since East Timor is the last remnant of the Portugese dominion which is in their hands to-day. The Malay of Timor is also strongly mixed with Portugese. This is of course only of local significance as the Lesser Sunda Islands are of too little importance.

The language which remained paramount all along the line was Malay. In the time of the Company Dutch did not play the role which it does to-day. A proclamation was issued in 1659 by RYKLOF VAN GOENS in Ceylon, whereby it was ordered, to the honour of the Dutch nation, that everybody who could not speak Dutch should have his hair cut off and be prohibited from wearing a hat with a view to abolishing and wiping out the Portugese language, but this is not criterion of the general Dutch attitude in those days. In the Moluccas where the Portugese were established for many years, an end was made of Catholicism when they were driven out by the Dutch, but the Portugese language did not disappear immediately, for DAVID HAEX who published his Malaico-Latinum dictionary in 1631, included therein a list of "Lusitanic" words which were in use in the Moluccas, while the editor in Batavia who prepared the second edition of 1717 thought it necessary to retain this list. If we compare the words contained in this list with the Molucca-Malay vocabulary now available, it is noticeable that many of these Portugese words have fallen into disuse. Yet notwithstanding this the Ambon-Malay contains many Portugese words which are not in use elsewhere while some of them are not so degenerated. Words such as *frèsko* (Port. fresco) fresh, *força* (Port. força) heavy, forceful, *flèsko* (Port. frasco) square bottle, *fadigah* (Port. fadiga) venereal, *fagèli* (Port. foguete) rocket, *kadéra* (Port. cadeira) chair, *kéntar* (Port. cantar) psalm singing, *linsoe* (Port. lenço) handkerchief, *kalsan* (Port. calcão) trousers, *pasliu* (Port. fastio) to hate something, *pardidu* (Port. perdido) to slouch around, *kunyado* (Port. cunhado) brother-in-law, *kompadër* (Port. compadre), *komadër* (Port. comadre) respectively male and female witness at a christening, — may be sought in vain elsewhere in the Malay language.

However, owing to the influence of the Batavia-Malay on the modern newspaper language, a great many Portugese words have been made general property. Although, thus the influence of the Portugese language was originally local (the Moluccas and Batavia), and in the Moluccas the strongest, while the Malay *written* language was practically unaffected, yet in the course of time due to the Batavianising of the colloquial Malay a number of words have become an indispen-

sible part of the language, specially through the influence of the powerful *Malay-Chinese* press. Some of these are very ordinary words such as *lěmari* (Port. armario, but undoubtedly via the Indian *almari*) cupboard, *běludru* (Port. veludo) velvet, *běndéra* (Port. bandeira) flag, *bidal* (Port. dedal) thimble, *péna* (Port. id.) pen, *trigu* (Port. trigo) wheat, *kěméja* (Port. camisa) shirt, *lélang* (Port. leilão) public option, *minggu* (Port. domingo) week, *gréja* (Port. igreja, from there the Haex *igresia*) church, *manléga* (Port. manteiga) butter, *maski* (Port. mas que) although, *lémpo* (Port. id.) time. Also words imported by the Portuguese from the coast of India such as *achar* (pickles), *gudang* (warehouse), *chila* (printed cottons), have become fully naturalised. Special mention must be made of the exotic plants brought by the Portuguese from the American colonies such as ananas Mal. *nanas*, *něnas*; anona Mal. *buah nonnah* (brought into relation by the etymology of the people with the word *nonnah*, girl of European or Eurasian origin); papaja Mal. id.; tobacco Mal. *těmbako* (from the Portuguese *tabaco*).

Finally there are several words from the administrative world, and the army, which deserve mention. The foreign officials were naturally called by their own Portuguese name. Such names linger long in the people's memory and so even to-day in the Minahasa the resident and in Madura the assistant resident is known as the *Tuan Pětor* (from the Portuguese *feitor*), in the same way as in Minangkabau and Benkulen the "controleur" (local officer) is known as *Tuan Kumandur* (from the English *commander*). Also terms, such as *alpèrès*, ensign (Port. alferes), *baluwarti* (Port. baluarte) rampart, *tronko* (Port. tronco) prison, *algoju* (Port. algoz) executioner, belong to the same category.

The Malay language and the other Indonesian tongues bear thus clearly the marks of European civilisation, which was imported into the East in the 16th. century by the audacious colonial expansion, the undaunted trade and the fanaticism for the Catholic religion displayed by the Portuguese, the influence of which is noticeable even as far as Japan. However, with this limitation that the terms connected with the religion and the church, which are so well represented elsewhere, have been checked by the pronounced Protestant character of the Dutch rulers who followed and supplanted them.

That which the united Ternatans, the Javanese of Sunan Giri and other alliances had not accomplished was only possible with the assistance of the Dutch fleet in 1605: the Portuguese were robbed of their hegemony in the Moluccas and driven out of Ambon. From that

date the Dutch domination commenced, which was rapidly to conquer all the territory which lay between Jacatra and Ambon and even further. Shortly afterwards began the tremendous influence on the religion and civilisation of the Moluccas which emanated from this Dutch settlement. The phenomenon is here observable that the Company propagated in the first place not Dutch, but Malay, which, although originally it was not the native tongue of the Moluccas succeeded because it was the language of the Protestant religion and of the schools in forcing the languages of the country to take second place and slowly but surely in reducing them to cultureless dialects. But even in the Malay of the Moluccas we must make distinctions. There is a highly remarkable language of religion, church and education, created by the translation work of the missionaries and respected by the traditions and there is a colloquial language containing Portugese and Dutch words and also words from the languages of the country and, in many respects, often dominated by the sound system of the Ambonese languages. The Dutch rule is to blame for the creation and distribution of both, for shortly after the conquest came the conversion to the Protestant religion and there appeared in the wake of the ship's captain and the military commander, the Dutch clergyman with his retinue of school teachers, comforters of the sick, and very soon the curates and assistant schoolmasters of Ambonese nationality.

The first fleet was naturally not equipped for the work of civilisation so that, as RUMPHIUS writes, at first no change could be made in the religion, "as the Papal superstitions which were still planted in the hearts of the natives had to disappear gradually; moreover, we had no qualified teachers who knew the language". However, as early as 1607 the headmen complained to Admiral CORNELIS MATELIEF who had congratulated them on the new government of the States General. "It was true that they preferred the Dutch Government to the Portugese, but they were not educated, although they had learnt sufficient from ours to understand that the Portugese religion was not good". There was therefore nothing for MATELIEF but immediately to appoint schoolmasters somebody who knew something of the language. In this way JOHANNES WOGMA, the first schoolmaster in Ambon, made his appearance. It was not until 1615 that the first clergyman, CASPARUS WILTENSZ, arrived and he commenced the introduction of the Dutch language into the schools, but soon had to admit that this was an impossibility. His Reverence was therefore compelled to resort to Malay. His successor, SEBASTIAAN DANCKAERTS, shared the same lot, and probably these gentlemen, when wrestling with their

broken Malay, were not much more understandable than they would have been in their own language; however, the difficulties were then more evenly divided so that they got their share as well as the native. For, truly when we see the whole inventory of Christian and social virtues, together with "a certain question book of St. Aldegonde" (the well-known minor catechism of MARNIX OF ST. ALDEGONDE, a contemporary of WILLIAM the Silent) with which these people were bombarded, it is not wondered at that their interest in the new religion and the Dutch language was not so very keen, while the observance of Sunday and the forced school attendance which the clergy did their best to introduce, penetrated too deeply into their social system in spite of the pretended zeal for the religion and the desire for knowledge. The Rev. SEBASTIAAN DANKAERTS, who was confident "of knowing so much of this frail and wicked world and its ways that I shall not lightly allow myself to be seduced or intimidated, especially by such an unconscientious and brainless folk" knew better. Like his predecessor, he possessed that typically colonial characteristic, which is still noticeable at the present day, an annihilating opinion of the native. Nevertheless he did not despair. Although WILTENSZ was of opinion that the Ambonese would never be able to understand seven words of Dutch, his successor was not so pessimistic, and commenced his educational activities with zeal. Also the well-known JUSTUS HEURNIUS who, in many respects, showed that he properly understood the difficulties of the work (we refer to his appeal for more freedom than was allowed by the strict churchmen, in order to win over the people with song and dance, a hint which was also given to the Roman Catholic priests in the *Leyes de Indias*), urged education and the training of the native assistants. The necessity of this was soon realised, as appears from the fact that in 1620 five sons of headmen were sent to the fatherland for theological training. Although we are assured that it was really a stupid and indocile race and not at all curious or desirous of knowledge and that it possessed no inclination or understanding to learn either "politics, history or mechanics", in practice matters were not as bad as they were painted. Without the Ambonese assistants things would be very different in the Moluccas today. History has therefore disproved CASPARUS WILTENSZ's opinion, for the present-day Ambon-Malay is full of Dutch words which are thoroughly understood and are not even felt as strange elements. When surveying these words, which for the greater part are old-Dutch, one sees the old-Dutch interior, transferred to Ambon, but unchanged in character. We cannot understand that the same Rev. DANKAERTS, who writes of the Molucca

Mardykens "These 'Mardecas' have, in their youth, served in the houses of the Portugese and of the Jesuits, until they grew up, or were at any rate in daily contact with them, learnt their language, adopted their nature and conformed and became accustomed to their customs", did not have more patience and confidence in the future, especially with this example at his disposal. With the Ambonese it was the same. The Dutch milieu exerted its influence and the Dutch language none the less. They speak of *vorhois* (Dutch *voorhuis*) inner verandah, *gardin* (Dutch *gordijn*) curtain, *hak* (Dutch *haak*) hook, *kwas* (Dutch *kwast*) brush, *rosbank* (Dutch *rustbank*) couch, *skèldëry* (Dutch *schilderij*) painting, *skorstén* (Dutch *schoorsteen*) lamp glass, *arlosi* (Dutch *horloge*) watch, *artapël* (Dutch *aardappel*) potato, *baki* (Dutch *bakje*) tea tray, *bolsak* (Dutch *bultzak*) matrass, *bololmanchi* (Dutch *kaboutermannetje*) goblin, *koi* (Dutch *kooi*) bed, *kaki drail* (Dutch *draai*) turned leg, *koekis* (Dutch *koekjes*) cakes, *sopi* (Dutch *zoopje*) dram, *kassi dag* (Dutch *dag*) good-bye, *danki* (Dutch *dankje*) thank you, *broigom* and *broit* (Dutch *bruidegom* and *bruid*) bridegroom and bride, *nawing* (Dutch *goeden avond*) good evening, *ménér*, *měprau* (Dutch *mijnheer*, *mevrouw*) Sir, Madam, *porgasi* (Dutch *purgatie*), purgative, *stoipis* (Dutch *stuipjes*) convulsions, *lansig* (Dutch *landziek*) bore, boring, *gëson* (Dutch *gezond*) healthy etc. etc. When one goes to church, either for the sermon or *kěbèt* (Dutch *gebed*) prayers, one sees the *kèrkof* (Dutch *kerkhof*) churchyard, and *prèkstul* (Dutch *preekstoel*) pulpit and *konchistori* (Dutch *consistorie*) vestry, and *kostor* (Dutch *koster*) vergier, while at a feast this music-loving people has its orchestra of *floit* (Dutch *fluit*) flute, *klawarnèt* (Dutch *klarinet*) clarinet, *harmonik* (Dutch *harmonica*) harmonica, or plays the *pěli doinchi* (from Dutch *deuntje*) musical-box. Here, as elsewhere, they speak of *něchis* (Dutch *netjes*) neat, *jěněwěr* (Dutch *jenever*) gin, *ongkos* (Dutch *onkosten*) costs, charges, *pěrmisi* (Dutch *permissie*) permission, *sondër* (Dutch *zonder*) without, *prěsèn* (Dutch *present*) tip, *pěłěsir* (Dutch *plezier*) pleasure, etc., while pleonastic forms such as *angin palwin* (Dutch *valwind* + Malay *angin* = wind) gust of wind, *minyak pétroli* (Dutch *petroleum* + Malay *minyak*, oil) petroleum, *piso pènmès* (Dutch *pennemes* + Malay *piso*, knife) pocket knife are not lacking. We have already mentioned that many words are old fashioned; examples are: *lap* box on the ear, *mui* (old Dutch *moei* = aunt) form of address for matrons, *koi* bed, *strei* (Dutch *strijd*) argument, *plak* (Dutch *plagen*) tease, persistently ask; there are also words which have long been banned from polite Dutch but which were quite customary in old

Dutch, such as *kakus* (old Dutch *kakhuis*) W.C., *skét* (in the sentence: *béla tra skét dèng us*, actually: I do not care a damn for you) *stron* (in the curse *stron par us*, actually: defilement to you, a trivial curse); *pěrneik* (from the Dutch *verneuken*) cheat, ¹⁾ but which are not regarded as offensive.

Finally we encounter the monkey, as *kés*, a name given to it in captivity by our forefathers, but now used as an ordinary appellativum, while as a consequence the combined shirt and knickers worn by children in the Indies and known elsewhere as *chěłana monyèt* (monkey knickers) are here endowed with the name of *kělsan kės*.

While this is the ordinary every day local Malay, the Sunday Malay or so called high Malay of the sermon, Bible, the "huispostilles" or collection of printed sermons and catechism book is of quite a different nature; VAN DER TUUK declared that High Malay lived up to its name as it went above the comprehension of either the native or the European. But VAN DER TUUK was not quite correct, for he only looked at the mistakes without noticing that they had been pumped into the people so long that they did not know any better, and even that folly was consecrated and made unassailable by allowing the "Wortlaut" to share in the sacredness of the Bible, as the Word of God. In this way many words have attained a fixed value which is difficult to understand unless one is well acquainted with the Bible; a certain Malay "language of Canaan" has therefore been created, the words of which express all kinds of Christian ideas in the most unexpected manner. In this respect the Ambonese of the old school, a generation which is now dying out, is a good pupil of our Dutch forefathers, who clung to the mechanical-inspiration doctrine to such an extent, that up to the present day for many the official translation of the Bible in the edition of JAKOB and PIETER KEUR is still the only safe compass.

We need, therefore, not be surprised that the LEIDEKKER translation, the terms of which reflected the thoughts for centuries, exerted just as much influence on the language as the official translation of 1619 on the Dutch language. As a matter of fact the influence of the Bible language is noticeable in other Protestant countries, for instant in England and Germany. The difference, however, is that in Europe the translations were rooted in the living language of the period in which they were made and in the course of centuries became far estranged from the conversational

¹⁾ Note by the translator: The word "verneuken" when translated into English does not convey the vulgar meaning which it does in modern Dutch.

The effect of Western influence.

language and to a less extent from the written language, while here, right from the start, the translation was the work of Europeans who thereby made use of the written Malay language and mainly of the religious literature translated from the Arabic. They did not properly understand this, usually anything but beautiful language (vide PETRUS VAN DER VORM's translation of the *Mir'ât al Mu'min* of ShamsudDîn in Cod. 1700 Leyden) and were certainly not in a position to detect its faults.

Yet the criticism of this translation need not be so harsh as it is often expressed. It was executed with the greatest accuracy and no pains were spared, but just because of this reason it became stiff and high-sounding and, above all, learned. At that time people did not know at all the actual state of development of the Malay language. All the preachers spoke it to a greater or lesser degree and imagined that they were qualified to express opinions, but their arguments did not hit the mark because they did not realise that Low Malay was not introduced into the case as an unchangeable quantity and that everybody had a different idea about High Malay, based on his own knowledge and sense of logic. As a matter of fact, the public even at the present day knows no better. For this reason, SCHUCHARDT in his Creolistic studies, was unable to form any clear definitions from the works out of which he had to obtain his knowledge of Malay and, finally, in imitation of the development of the Roman languages with which he was so well acquainted, he started talking of Young-Malay and Old-Malay. By Young-Malay he meant what might be better termed local Malay because these languages have only become the language of the people in a few districts and as a result have received colour from the ousted languages, but which, for the greater part, are not languages, but only "modi loquendi" between people who do not understand each other's language or who, for some reason, prefer Malay, for instance in the case of difference in rank to obviate the obligatory use of the rank language etc. Then there is the European-Malay which serves to overcome the difficulties of the language of the country; the speaker is master of this language and has, therefore, no obligations towards it. But apart from these "languages" there is the real Malay of the Malays, who are now mainly settled on the East Coast of Sumatra and in the Straits, with their own flourishing conversational and literary languages, which are certainly not easier than any others.

To return to the conflict between the low and high Malay. The clergy of the Moluccas learned the language in their own surroundings and used the local-Malay to the best of their ability until suddenly

those in authority at Batavia, urged by the aforesaid Rev. LEIDEKKER, who had learned his Malay in Java and from books collected there, decided to translate the Bible into the written Malay language and even instructed the clergy to do everything possible in their districts to maintain the purity of the language. This puristic zeal on the part of the authorities makes a comical impression for, as a matter of fact, the presence of the Dutch dislocated the language, and steps were being taken to shape the patient Malay language into a very peculiar form.

In 1735, after many delays and revisions, the whole of the Bible was published in Malay in Roman characters; later on, another edition in Arabic characters saw the light. This translation was never satisfactory; the protests against its unintelligibleness revealed themselves in many ways. As early as 1743, at the instigation of G. G. van Imhoff, an explanatory dictionary was published for use in Bible reading, in which especially the Arabic terms were explained. Whether their number was greater or as great as in the Moslim religious literature, is an unfertile argument. The Moslim booklets are also seldom understood by the average reader and he uses the Arabic terms purely out of devoutness. It is, therefore, fairly certain that the Ambonese, at first, understood very little of it, but the text has been imprinted in his memory. If there was no preacher, the texts appeared, the sermon printed in Malay, a custom which the first clergymen had introduced. We must not forget that the religious service was more or less duty and that if there was no religious teacher or assistant teacher, somebody in the garrison read the daily prayers.

In the reports of the visiting clergy this service were often strongly criticised. Neither the voice, the intonation nor the zeal of these people, who were often rough fellows, could find grace in the eyes of a clergyman. But there was no choice; there was nobody else available, and even those who were at hand had to be tempted with a reward for their trouble. It was, therefore, a case of no pay no religion. (Vide the report of the Rev. MONTANUS in "*Geschiedenis van de Minahasa tot 1829*" by Dr. E. C. GODÉE MOLSBERGEN.) But the method was attended by success, which even exceeded expectations, as can be gathered from the fact, (according to DE CLERCQ) that even love letters are written in Bible-Malay. It makes a very singular impression to find the following adress on a love letter: "To the most respected lady, to the true one, who is endowed with all the virtues of a virgin, and who dwells in peace under the protection of her mother as the most precious apple of her eye", and further: "Peace be with you. The grace of the All-sufficient and the favour of

God who dwells on high in the sanctuary. With all respect I beseech you, my younger sister, to incline your ears and listen to my humble request, which is directed with the utmost modesty and politeness....etc." The conclusion reads: "If your love can unite with me in words of peace, will she then reply with a heart full of love, saying "Yes". Then I shall rejoice with the people of Sion, Hosanna! blessed is the message that comes in the name of the Lord."

But the mother comes on the scene and separates the lovers, so that the honest beau becomes downhearted and says: "Oh, my soul, soul of Charlotte! Heaven and earth will pass away, but our love can never die, for all that happens on earth is preordained by Heaven. Oh, Charlotte. I have united my love with you. I planted a vineyard and built a garden around it, so that I could eat of the fruit. But oh, Charlotte, my soul, has eaten of a bitter fruit, a fruit of death!" — For a change the beautiful Charlotte replies with a wordly *pantun*, which is hardly in harmony:

"Kukuruku sing the birds on the river,

"Kukuruku in the festive pavilion,

"Not until the water ceases to flow in the river,

"Will our love be ended etc. etc."

In short, a very bizarre mixture of the language of Canaan and erotic verses of the well-known *pantun* type.

As amusing as this style is, its use characterises the situation. The Bible and collections of sermons (the very oldest of the Rev. DANCKAERTS, known as the „Malay postille ampat bēlas" was already indicated above) among which the *Kitab Krong* is particularly famous and which the Ambonese takes with him together with his Bible, at death, (published by the Rev. FRANÇOIS CARON, in 1678) as well as catechism books (adaptations of the "Heidelberger" such as the one usually known as "appa mou minta") constituted practically the whole of the literature which, for want of better, was undoubtedly used in the schools. As late as 1826 the Resident of Menado wrote: "Further there are no books here for the proper education of the children; the majority learn to read from old pages out of Malay Bibles, without understanding what they are reading etc." (GODÉE MOLSBERGEN, o.c. page 183, note 1). Now as regards the understanding, this was a matter for later, the sound was then imprinted in their brains and was of great assistance. How could people criticise when the mistakes had been imprinted since their early youth. The "beloved" word may seem absurd and even nonsense to the profane, but it will always have its admirers. Did not WOUTERTJE PIETERSE in MULTATULI's well known roman of the same name win

the greatest praise with his poetry? And so no one minded the talk of the Moors of Ambon, who laughed at the translation and ridiculed the language. LEIDEKKER was and remained the favourite for many generations and it is only in recent years that he has been attacked and placed on the shelf, and KLINKERT's translation generally accepted. Yet even KLINKERT defended LEIDEKKER against the criticism of 'ABDULLAH b. ABD ALQADIR MUNSHI, the well known author of widely read Malay works, in his autobiography, and satirically remarked: "It seems to me that 'ABDULLAH speaks of the work of the Dutch in this way, firstly not to arouse the impression among his co-religionists that he approves of the Holy Book of the Christians and secondly to win favour in the eyes of the English. As one of RAFFLES' clerks he probably learnt that talking disparagingly of the Dutch was always sweet to English ears".—In spite of this, ABDULLAH's statements regarding LEIDEKKER's unintelligibility and his own differences with the Holstein missionary THOMSEN, who desired to perfect the Malay language on his own lines, express the justified complaint of the Malay against the interference with his language against the annoying arbitrariness and the gross ignorance and the eternal know-it-all character of the European who swears by the system of the classical grammar and who cuts the Malay language to the measurement of this Procrustean bed. The Malay language is the chief victim of Western influence.

It cannot be denied that the amazing number of languages in the Archipelago was too much for the old missions. It was realized that the people must be approached in their own language; they were anyway sufficiently conversant with the Scriptures to seek support for this demand in the Bible. Yet the practice brought many difficulties. At first everyone was enthusiastic. The South Indian languages were studied and then came the relaxation. We see the Company missions and the 19th century missions continually divided into two parties, one of which appealed to Cor. 1, ch. 14 v. 9 (So likewise ye, except ye utter by the tongue words easy to be understood, how shall it be known what is spoken?) while the other scripturally defended its uniform Malay by the fact that the Apostle PAUL preached in the Greek language in cases where he did not understand the language of the country.

It can be said that a compromise has no been reached. Owing to its preferred position, Malay has become the instrument of progress in newly opened districts. Even apart from the mission, lessons

are often given in Malay in the schools, especially in those places where the speakers of the native language are too small in number to warrant the production of school books, or where native school teachers are not yet available. In this way the supposition took root that Malay is the way to all knowledge and this has to be taken into account even in cases where the first contact with the inhabitant is purposely kept free of Malay intermediary such as in the Batak lands, Nias and Mid Celebes. The last named territory provides the best example of direct Western influence on a primitive people and on a primitive language since, thanks to the writings of Dr. N. ADRIANI, the eminent scholar and confirmed friend of the Torajas of Mid Celebes, it is possible to orientate oneself fairly easily regarding the standpoint, method, difficulties and results of the new movement there.

How far we are here from the well-meant zeal of the Rev. JAC. VERTRECHT, author of "Sermons and Dogmas in the Favorlang language" (Island of Formosa) who in his endeavours "to show the Favorlangs the way to Heaven" tried to convert them from their worship of "Haibos" by expounding to them the intricacies of *Cognitio Dei insita et acquisita* according to Calvinist Dogmatics. (about 1650 A.D.)

Dr. ADRIANI remonstrated with the people that their forefathers had paved a way here and there which they have not continued. They stopped suddenly because they did not desire to or could not go further. "Now it is our object", he says, "to continue these paths further so that they will emerge on the paths of Christian ideas. Some of the paths of the forefathers will have to be abandoned altogether because they do not lead to the truth. There are some which we can partly follow, but which we must abandon at a certain point, as they lead us only part of the way along the right path. There are some which we can follow to the end, but which we must continue until they emerge on the right path, for it has been the mistake of the descendents of the forefathers that they have sought their salvation in stagnancy and have not dared to go a step further than their forefathers had gone."

It is clear that this point of view, in relation to the language, means that contact should be sought with the vocabulary available, that words from other languages shall not be added unless it is absolutely necessary, that a trend in the desired direction shall be given to existing words, by seeking contact with the usual meaning, that with the stem as basis, and with the assistance of existing formatives, new words be made to fill the gaps. In short, in order to introduce the new, the old should be turned to account as much as

possible, so that, with the help of the speakers the path will be trodden also in respect of the language.

This standpoint naturally necessitated a thorough study of the language and an investigation of the literature; which had to be done before contact could be obtained with the past. The great difficulty is that a primitive group of speakers does not understand its language etymologically. They speak automatically and therefore regard it as strange that the Westerner, who does not speak the language as fluently as they do, makes no mistakes in the new words and even wishes to impose the meaning thereof on them who know the language. One has to be careful not to impair the intelligibility by adding such terms and it is therefore always better to leave the formation of new words and expressions to the speakers themselves. (See the account of the Nias terms for the word "holy" in the mission publication *De Opwekker* of February 1929.) One has also to be careful not to use words which actually express animistic ideas, without the ideas disappearing. Far from forcing Christian, Western vocabulary on the language, one has to refrain from dominating the common parlance and especially to guard against all kinds of terms being thoughtlessly used and imitated. Instead of the language being in advance of the slowly changing milieu, patience must be exercised and as a natural result the language will gradually adapt itself to the changes in the general state of affairs. The Western influence which actuates all this, will then have an enriching influence on the language owing to the fact that it has stimulated its elasticity and manipulation. Although, generally speaking, it will not be possible to avoid using foreign terms, for foreign matters and objects, it must be possible to express propositions which are still in the germ stage of development in the language of the country. In this way Father GLANEMANN in Flores translated the word "Holy" (*sanctus*) which the Manggarains understand just as little as the Arabic-Malay *kudus* or *kadis*, by *nggeluk* which originally meant a tree in the forest rising as straight as a candle without any bends. And Dr. ADRIANI explained the meaning of "forgiveness" by starting from the word "*pompaka-ngura*", actually: the rejuvenator i.e. the buffalo which a man gives, over and above the usual dowry, when he marries a woman who is younger than himself. If the buffalo is accepted, the woman may never reproach him that he is really too old for her. Bij giving her the buffalo, the man makes himself acceptable to the woman, although his age is not altered; the woman, on the other hand, no longer takes his age into account. How well this was understood is expressed by the answer: "If the alang-alang (reed grass) bore

good fruit, we should not object to calling it rice". In such cases the creation of new words can safely be left to the people themselves. The new element is then not forced upon to the old but the enriched consciousness creates new expressions for its own spiritual use. Under these circumstances it is not the loan-word which is important, but the words which are not loaned.

Linguistic science can, in many languages, indicate a period in which a higher culture began to forcefully intrude. In the early Middle Ages, Christianity came, with Latin as the cultural language, to the Germanic peoples, and with Christianity came also the classical sciences. The Old-English, which was a powerful and living language, withstood the shock remarkably well. It was awakened to a wealth of new words but adopted very few. In the later Middle Ages and in later years things were different. The Latin element in the English language was then greatly extended. However when JESPERSEN, in his well-known study *Growth and structure of the English language*, considers the question whether this has benefited the language, he can arrive at no definite reply. It is no use crying over spilt milk, but he could not help stating that "little by little English speakers lost the habit of looking first to their own language and utilizing it to the utmost before going abroad for new expressions. Little did they care for the convenience of their readers, if they should happen to be ignorant of the classics, or for that of unborn generations, whom they forced by their disregard for their own language to carry on the burden of committing to memory words and expressions which were really foreign to their idiom. If they have not actually dried up the natural sources of speech—for these run on as fresh as ever—yet they have accustomed their countrymen to cross the stream in search of water". In this manner the undemocracising of the language was forcefully promoted and a wealth of words was created without a corresponding wealth of ideas.

In the Archipelago both cases of reaction to the influence of a higher culture are simultaneously available. There are districts where, as mentioned above, the natural resources of the language are tapped and the borrowing is generally limited to the names of things hitherto unknown, which are adopted together with the subject matter. If, as often happens, it is the native merchants who import the new articles, then the loan-words are not adopted from Dutch or English (where English territory is in the neighbourhood) but from the language of these merchants of related tribes (Malay, Minangkabau, Buginese). Also where the Islam has

penetrated into the interior, one can often determine who introduced this religion, from the terms used, as against the mission which specialises more in the creation of new words from the existing local language or in the revision of existing words in the new spirit.

In any case the opening of new territory and its inclusion in world commerce means the adoption of a large percentage of loan-words, even under the most favourable circumstances of language retention. As a matter of fact this attempt to develop the local language is also limited from other quarters. The government administration and the educational system — to mention two of the most important factors — are interested in reducing the great number of languages encountered in the wide expanse of the Archipelago. Malay is the "language of the administration (is not it known in some districts as the "language of the Blanda's"? Blanda = Dutch) and therefore everywhere where Government officials have penetrated, their presence has created the necessity of speaking Malay. There are usually people who are willing to meet them in this respect, as they see nothing but advantages in knowing the language and these have therefore an advantage over their fellow countrymen. It is then said that "the population itself asks for education in Malay" and there are often many-sighted objections to be overcome before a compromise is arrived at, which guarantees some chance of life to the native language. It is so simple and so easy to level and equalise everywhere, but the results are to be seen, for instance, in the Minahasa and the Moluccas where Malay and the Malay speakers have attracted all the culture to themselves and reduced the language of the country to a plough-boy's dialect. Generally, people there are ashamed to use the *bahasa tanah* and they will all assure you that that language is inferior and insignificant.

In the meantime, Malay, as the language of daily intercourse, makes its demands. It has become an indispensable by-language which is sure to become even more important in the future. But much will have to happen before Malay becomes anything more than a superficial means of elementary understanding. It does not seem that this by-language, no matter how well it is studied, will ever be able to replace the country tongue. Factors are at work here which cannot be coerced either by levelling or the desire for uniformity.

On more than one occasion, when talking to educated Minangkabaus, who had quite a proficiency in Malay, they have informed me, that when speaking this language they always felt, that their thoughts were robbed of their "flavour". One expresses oneself in

a strange tongue and therefore never with the verve which one does in one's own language. It is often noticeable at political meetings that the speakers, when not using their native language, soon come to the end of both their Malay and their ardour as soon as the usual fiery exhortations are over. How could it be otherwise? Malay has the best chance in those parts where it is used as a language which is not yet or only sporadically written. If a local written language and written style exists, it does not capitulate so quickly. Many languages have degenerated simply because a foreign tongue was the written and cultural language of the better classes. For instance the Madurese language has not yet recovered from the Javanese cultural influence. Only during the last few years, now that those acquainted with Javanese are becoming scarcer and scarcer, have the people been obliged to revert to the written Madurese language. Yet it is still the fashion to use Javanese words and the pronunciation of original Javanese words in the Javanese way is regarded as something to be envied, even though it reminds us of the German philister who persists in pronouncing the *y* as an *u*. Here, however, Malay has had, more or less, a chance, both as a result of the abolishment of the administration of the Madurese rulers and a queer educational policy which introduced the Malay language, strange to the Madurese culture, as a substitute for Javanese. They have, therefore, changed from one language domination to another and their own language does not benefit. Sundanese also experienced degradation at the time that Javanese was the society language, and the joyful reformation of the Sundanese written language which dates from the second half of last century, was not accomplished without Western help since it was largely due to the interest displayed by confirmed friends of the Sundanese such as K.F. HOLLE. Here, Malay has been able to attain a much less dominating position, the powerful revival of the Sundanese written language having prevented this.

From a linguistic and scientific point of view, the supplanting of the language of the people is one of the most regrettable consequences of being caught up in the world traffic, as is being done in an increasingly faster tempo as a result of Western influence. Speaking linguistically, this is, in my opinion, more important c.q. more deplorable, if one may utter an appreciative opinion, than the tremendous importation of strange words by the intellectual youth of the country, which the older group professes to regret. For here study material, with which our very incomplete knowledge of the Indonesian languages could have been supplemented, disappears

while, scientifically, the fight against foreign words is nothing more than an acute case of the initial friction caused by the new words which is strengthened by the faster tempo with which a tremendous arrearage is being caught up with. Here we have the second example of reaction on a higher culture, whereby direct adoption takes place. The intellectual is much slower in forming his language than the less developed classes. While the "speech forming community" often discovers very successful, pithy and typical terms for unknown things, the intellectuals have no need for the new term thus created since for his own purposes and that of his circle, it is much simpler to use the foreign word. Here in the Archipelago we can go even further and say that the intellectual, as a result of his Western education has practically forgotten his own language and therefore prefers not to occupy himself with new formations in it. As a matter of fact such monstrosities as *kělěntuan hidup* (so-called translation of 'life insurance'), *pěnyakit jěnis* (ditto of 'venereal disease' for which the people have the unsavoury word *pěnyakit kotor*) and *bahasa pěmbawa* (vehicular language!), do not benefit the language. Yet we may not be too severe on these matters. The difficulties with which these people have to wrestle who have received the whole of their education in European schools, who have learned to write and think in a strange language, in short, who are totally estranged from their own language prompt a mild criticism. The educational system is the most to blame. But the fact remains that the patient Malay language becomes a jargon under their pen, which is just as unintelligible as the High Malay of the translated Bible is to the Malay. Not only their words, which if necessary can be provided with a native formative element, but also their sentence-structure and the whole trend of their thoughts is un-native and therefore only intelligible to people of the same education and ideas. Yet this milieu works again in a wider circle. For instance, the technical terms of the corporate life which has developed so during the last decades, are used with the greatest ease by all ranks of the masses, while the growing popularity of sport and the Boy Scout movement has made youth more familiar with the English terminology thereof, which has now become international. Yet in spite of the growing familiarity with foreign words, to which the practice in workshops and factories, and with foreign ideas to which the more than 200 native newspapers and periodicals contribute to no small extent, there still remains a wide gap between the language of the educated and that of the masses. Nothing is more indicative of the gap which separates these two groups than a survey of the literature with which a

group, lead by intellectuals, such as the communist movement, recently tried to win over the masses. In cases where the propaganda was limited to the awakening of revolutionary sentiments by stories with a communistic tendency or by verses which did not aim at 'didikan' (education) in communistic ideology but merely at 'ajakan' (incitement) the language was fairly intelligible. But when it came to a theoretical explanation of the social development periods, of the sins of the industrial, commercial and loan capital and of the surplus value theory, production surplus, over production, world crisis, rational industrial institutions, nationalising etc. the reproductive capacities usually failed, while further several different translations for the same word only made matters more complicated. But here again it was a case of "le ton, qui fait la musique" and therefore to the masses on the West Coast for Sumatra, for instance, which understood nothing of this nonsense, the usual folk's etymology for the word capitalist (derived from *kapi*=infidel and *selali*=quarter or 25 cents) will have been much more intelligible than numerous courses in the new teaching. In such cases of sentimental matters, one explanation with that force does more than many logical arguments. SNOUCK HURGRONJE pointed out in his discussion of an Achinese poem on the Holy War (Jihâd) against the Dutch, how the Achinese term for the marechaussee corps (Ach. *badusi*, *majusi*), which had distinguished itself on active service, worked just as forcefully on the sentiments, as in the Moslem traditions, the Majûs or fire-worshippers are the worst infidels thinkable. This therefore provides a similar case.

The above may be sufficient to show how the intellectuals here are actively engaged in undemocracising the language and in creating a new means of expressing the thoughts of these times in addition to the existing colloquial, written and literary languages. Further the ever-increasing Westernising of the life also contributes its share in a material way. Consider how many new words have been introduced by the automobile, especially now that the motor bus has triumphantly penetrated into the deepest interior. It is essential also for the native purists, to diachronically view these matters, for previous cases of culture influence tell us the same story. It is only by continual adaption to the needs of the new times that the language can still fulfil its functions. This adaption — linguists teach us — brings with it, always and everywhere, the fashion of loan-words while, further, lesser or greater radical changes in the old language element are not excluded. The development of the Indonesian languages prior to the arrival of the Europeans proves

this very convincingly. Very often one may hear complaints, especially from Javanese circles, regarding the corruption and dislocation of the language, but — although one can understand these complaints to a certain extent — the very same literators who, express these complaints, find their comfort in the poetry which, during the course of generations, has become dear to their people but which as regards subjects and vocabulary, was just as great an innovation centuries ago. Only the *diachronic* point of view enables us, when we regard the language as a community product, to see a vocabulary, continually changing with the succession of generations, in which from an *idiosyncronic* standpoint (to use the terms of DE SAUSSURE) one can only notice infractions on existing language rules and growing unintelligibility.

Finally if we enquire as to the influence of the West on the literature, then it appears that this notwithstanding the centuries of contact, has only recently made itself felt. Although many works from the religious and epical literature of the Hindus and many romantic and mystical writings of the Moslem world have become common property of the native literature, and although heroic figures such as ARJUNA and AMIR HAMZAH are known to everyone, especially in Java, not a single Western product of literature, not a single romantic hero or epical figure from European literature has won a permanent place in the Indonesian literature. Certainly, in recent years, there has been no lack of translations of and adaptations from European stories, but these naturally reach only a comparatively small circle. The taste for it has not yet been acquired, as can be gleaned from the fact that the old original works in the 2800 public libraries of the Bureau for Popular Literature, still show the highest lending figures. This being so, it is cold comfort to know that CHARLIE CHAPLIN and TOM MIX are rivalling even ARJUNA and AMIR HAMZAH.

While, here and there, the first traces of a new story-writing art are noticeable, especially in Malay, in which sentimental and dramatical effects are striven for, in the sphere of poetry there are only very few poets who have dared to free themselves from the ties of the old *shair*-technique and give utterance to originality. But the younger generation which has grown out of the old *adal* bands, is European-educated and thinks and feels on Western lines, has also outgrown the forms of the old poetic art. Probably the firstlings of to-day are the forerunners of a new, rich future.

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WESTERN INFLUENCE ON THE LAW FOR THE NATIVE POPULATION.

BY

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If we single out from the multicoloured law of the Dutch East Indies the part concerning the relations of the natives, both inter se and towards the Government or the several public communities then, obviously the body of law, so set apart is far from homogeneous. From every point of view, the law for the native population presents a composite aspect. In particular, with an eye to the origin of the rules of the law, three large groups can be generally indicated. In the first place there is the *adat* law (native law) which owes its legal character to the will of the Indonesian population and which is mainly c u s t o m a r y l a w and for a small part Muhammedan law and rules laid down by native legislators (villages, native states). Then there is governmental law, whereby is meant the regulations specially enacted by the Government of the Netherlands Indies for the native population. In the third place there is the Western law, consisting of Dutch laws which are or have been in force in Holland and which have been made applicable to the natives in the Indies.

The question as to what extent the law for the natives have been influenced and reformed by Western ideas, can therefore be split into three parts:

1. To what extent have Western laws been applied and what is their real meaning for native legal life?
2. To what extent are the governmental regulations applicable to the native population, of a specific Western nature?
3. To what extent have Western elements penetrated into the law or into the products of native legislators?

1. As regards constitutional and administrative law, including law of procedure and judicial organisation, a formal application of Western rules to which the Europeans are subject, to the natives is encountered only in a very small degree. For instance there is a rule that natives who wish to resort to arbitration, must follow the rules of European law.

In some cases it is possible to subject a native to the regulations for the Europeans including the Western codes of civil and criminal procedure; also natives may individually submit themselves to European civil law, which includes submission to the European laws of civil procedure. However, but for a few similar exceptions, the bulk of the constitutional and administrative law, in its widest sense as applicable to the native population can be said to consist of special legislation for the Indies, i.e. governmental law. Only a few exceptions of an opposite nature must still be mentioned here: Some subjects of constitutional and administrative law are more or less governed by *adat* law. So the organisation of the village communities, the native states, the native (and Muhammedan) judicature may be considered to a certain extent, to be ruled by customary law or by adopted Muhammedan rules und native written laws.

If we now enquire as to the quantity of Western law which has actually penetrated into the native society, then the reply has to be vague and uncertain. The arbitration rule seems up till now to have never been put into practice; the number of Indonesians who entered into the Western juridical sphere is still insignificant. The native municipalities are, for the greater part, provided with a native municipal ordinance in which the customary law is partly followed and partly not. In cases where the rules or their execution are in conflict with the *adat* law, as, for example, the organisation of the *nagari* (village) council on the West Coast of Sumatra, the *adat* law can, nevertheless, remain dominant, either by ignoring the rule or by maintaining secretly a really active *adat*-organisation in addition of the official village organisation. As to the administration of justice, which according to the letter of the law allows no place for village justice, the jurisprudence of the villages is still of great practical importance both as regards criminal and civil matters. At the same time however the extent of the village justice, owing to the lack of regulation and recognition, is variable and arbitrary and especially difficult to distinguish. As regards the general administration of justice, part of it is, theoretically exercised as already mentioned above according to the *adat* procedure.

But directly contrary to what has been said above about the real significance of applied Western law in native legal life, we find here an infiltration of Western methods much greater than the words of the law lead us to expect. The majority of local regulations require the law of procedure in force for governmental courts (containing all kinds of prescripts originated in the occident) to be adopted "as much as possible as the line of conduct". Here everything depends on the execution and a matter of no little influence on the practice is that the native courts are usually presided over by administrative officials, whose not always perfect juridical training tends to exaggerated respect of the written rules of procedure created in Europe. The process law of the Muhammedan jurisprudence in family and heredity matters, which exists in many parts of the Archipelago in addition to the ordinary courts, is still for the greater part based on customary and Muhammedan law, as this jurisprudence is conducted, free from any kind of European influence.

But all these are exceptions; the principal question for the constitutional and administrative law must be, to what extent have Western ideas penetrated into the law for the Indonesians through the most important group i.e. the special laws which have been made for the Indies. All these laws were made either in the Hague or in Weltevreden, in the dutch language and by Westerners. A large part is a mere adoption of Western law, owing to the fact that the example of the home country, where it could not be literally transcribed, was still very closely followed (The "declaration of rights" of the Constitution of the Indies, the provincial and other local public corporations, the procedure for the Government's courts for native cases etc. etc). This part of the law must be regarded as "Western", because of its form and general tenor.

Other parts regulate institutions, for which no example was available in Holland (irrigation, land-settling, civil service etc.). It introduces a neutral law with the distinct characteristics of the Western ideas of the projectors.

Finally there are also examples where Western laws rather add alien Eastern elements to the body of the law for the natives. For instance the appointment of a permanent Muhammedan advisor for all cases against Muhammedans which are tried by the Government's courts. This appointment was based on the misconception that the rules of Muhammedan law applied almost wholly to the Indonesian population. If therefore the law of the natives has been influenced by this advisorship, instituted by Westerners, then it

was an influence which benefited the Muhammedan canonic law and which was detrimental to the native customary law. Later in a similar manner, for instance, the more Eastern than Western intensive interference of the village itself with the cultivated land in East and central Java, in the last century, is due to measures drawn up by Westerners; a hundred years ago whole villages (some "free" villages) were endowed by the Government with juridical conditions which were certainly not of a Western nature and which they had not previously possessed, owing to ignorance and the fear of hurting religious feelings, and sometimes a Western resident has developed from nothing the peculiar right of disposal of native communities, which is only known in the Indies.

2. If, in the second place, we now review the penal law, it appears that the Western law occupies first place in regard to the native population as well as the Europeans. The penal code, which is almost an exact copy of the Dutch penal code, is exclusively applicable, in the sphere of the law administered in the Government's courts (4/5th. of the population). In the sphere of the law applied by the native courts (1/5th. of the population) the same penal code indicates "the line of conduct" and is usually accurately applied. If we enquire as to the specifically Western characteristics of this penal code, it is found primarily in the penalties, which ought to be mentioned. The majority of offences are also recognised by the *adat* law as such, but the punishment by imprisonment is seldom or never used as a corrective. As such, it is therefore an important Western element introduced in the law for the native population. And yet the question may be raised: Is it not possible that a gradual loosening of the social ties existing in the smaller communities, a decrease of the fear for the revenge of the spirits of their ancestors, for the scorn of neighbours, for banishment, would have resulted in the same development independently, i.e. in the introduction of imprisonment as a means of social defence, even without the influence of the West? It is therefore possible that the Western character of this law institution lies mainly in the rapid and general expansion of this natural means of defence of Western society against mischief also in those districts and cases which would not yet have reached this status through self development.

A second Western element in the present penal laws for the native population is the clear distinction between legal redress by imposing punishment on the one side and the legal redress in another way — in Europe considered as pertaining to civil law — on the

other side. It may possibly also be said that the introduction of the idea of punishment, in the sense of an exceptional affliction imposed by the community as the preserver of the public order on an offender against one of its rules, is in many cases due to Western influence, even though it existed elsewhere, especially in the more powerful native kingdoms and even though the elements of that idea can be traced to primitive communities.

In addition to these two Western traits i.e. the kind of punishment and the separate penal law, the following lesser examples also are undoubtedly due solely to Western influence — the impunity of *adat* offences (for instance incest) and the liability to punishments of *adat* rights (collective complaints).

A minor exception to the Western character of this law must be made by indicating the few regulations which have taken into consideration the institutes of *adat* law, as in the case of family thefts and a few other offences to matriarchal family relations. This is also the case with the interdiction of selling land which was already mortgaged, in a way only known to *adat* law; etc.

But there is another circumstance which detracts considerably from the influence of the Western penal code on the native society: The actual (mostly "illegal") administration of justice by the chiefs of the native villages. It protects the native penal law against encroachments upon it by Western regulations unknown to the village-judges themselves. So we see in the same territorial district and concerning the same people but in another sphere, a different juridical order — Eastern penal law — still valid and maintained. There the "punishment" are still reconciliation feasts, sending to coventry, or *adat* payments. Yet even in this sphere — as an exception or modification — the economic development which has been furthered by the West, aims at changing such punishments as the slaughter of a beast into payments in cash.

3. Finally — in the third place — we have the sphere of the civil law. In the whole of the Archipelago that law is primarily Eastern law — *adat* law. As regards the sphere of the law, administered by the courts of the Government, the constitution of the Indies prescribes codification, but as long as this order has not been effected — and very little has been done in the matter — the *adat* law is in force. In the sphere of the law administered by the native courts the command of codification does not apply; codification is possible there but of course not performed.

Two questions now arise in regard to this part of the law. First, to what extent have inroads incidently been made into the civil *adat* law. Second, to what extent has that *adat* law itself been changed by Western influence?

1. The Western law which can become applicable to Indonesians in virtue of their relations with persons belonging to other groups of the population is left out of the question here; it will be referred to later as one of the channels through which Western juridical opinions penetrate into the Indonesian thoughts.

There are two other ways, which must be mentioned, in which Western private law has been led into the juridical sphere of the natives; firstly by application by the law itself and secondly by opening up the possibility for natives to subject themselves to that law or part of it. As regards the application by law the legislator has so far made little use and has had even less enjoyment from it. For instance four articles governing labour relations have been applied also to natives since 1879. These articles still apply to them notwithstanding the new labour legislation for Europeans, which can be applied to Indonesians only in a few exceptional cases. It is not saying too much to state that these Western rules have never had any value for mutual labour relations among the natives.

The articles governing the internal relations on trading vessels, contained in the European Commercial Code and made applicable to the native population, are mainly of practical value in interracial relations. Western rules have been applied to chance agreements and since 1915 to cooperative societies, for which however new rules were established in 1927 to meet the needs of the natives. A rule governing usury agreements, which is not of a specially Western character, belongs to the above mentioned group of governmental law, whilst other regulations such as those governing a certain sort of land mortgage and those of the cooperative societies of 1915, are not formal applications of European law, but are built up of Western ingredients. At last the exchange law has become applicable to the Indonesian population in a round about way, in virtue of the rule that he who performs a deed which is only known to European law is tacitly presumed to subject himself to that law. In the practice this amounts to the application of the commercial code regarding cheques and bills of exchange to natives.

In the second place the entrance to Western law was opened to the Indonesian population by allowing it the choice of adopting it. The most important ruling of this nature is the voluntary submission to European civil law, which has been possible since 1848

and regulated in detail since 1917 in three ways: submission to the whole of the European civil law, submission to the European property law or submission to the European law in respect of a particular legal act. Very little use is made of the first two possibilities; the last is used to a greater but uncontrollable degree. It is usually the economically stronger party which takes advantage of this opportunity to obtain a more favourable possibility of execution of verdicts or of juridical competence, so that its abuse would seem to be greater than its use.

The submission to the entire European civil law, which was made possible for individuals, has, since 1904, been regulated for societies, who apply to the Government for recognition of their incorporation. The native members of such an incorporated body are, as regards their relation to that body, governed by European law. Therefore if an association of Indonesians applies for recognition according to European law, it is subject to Western law, even though it is also incorporated in accordance with the native customary law.

In the third place a native in Java or Madura can choose Western rules in preference to his own law, by transferring the rights he has on his land (native right of possession) which are rooted in the *adat* law, to the agrarian property of land, which is governed by Western rules. Such rights are entered in registers in European style and the transfer of those rights must also be registered. Only in a few districts has this right of transfer been used to any extent. But here again the introduction of a Western part into an Eastern whole was too artificial. In the course of a few decades the special juridical position often disappeared altogether as a result of failure to register upon transfer or upon the death of the owner. An institution such as this did not yet fit into its surroundings and the Western features were absorbed by the influence of their environment.

In drawing the rough outline, as we have done above, in order to try and show the main ingredients of the law for the native population, it is at the same time pointed out that it is only with great danger that conclusions can be drawn regarding the extent to which the actual legal life of the Indonesian is influenced by Western ideas.

If we now try to confine ourselves to the *adat* law and endeavour to trace Western insertions or a crumbling down due to Western

influence, it will be seen that it is not easy to establish when and why the qualification *Western* deserves to be applied to a certain juridical development. A strong influence has always exerted itself in every corner of the Archipelago as a result of increased trade traffic, increased education and the intensification of the central administration. During later years this process has been governed by Western capital, Western needs and the rules of Westerners. But are all phenomena of juridical development resulting therefrom, which proceed from what may be called the tendency to individualise the relations, for this reason Western elements?

If the European administration in Celebes or Boeroe or elsewhere collects the scattered tribes in villages along the coast, similar results are to be expected in the juridical relations as in the case of the application of the same measure by the Javanese in Ambon. If the institution of the *Kedjoeroean* in Gajoland instead of being the work of Achin, had been the work of the Government, the constitutional changes resulting from such a reformation would not have assumed a different colour. Would we not, to mention another example, be inclined to regard the modification of the Muhammedan law regarding the dissolution of a marriage by conditional repudiation, whereby the position of the woman is improved, as a Western element if it was due to European influences? Now that it is clear that this change is rather the result of the actual needs of the Indonesian society, nobody thinks of such a qualification. Nevertheless, is the improvement in the position of the married woman in Bali to be considered as a Western injection into the customary law, because a resident endeavoured to hasten that process by a regulation?

To questions of this kind the following reply is perhaps the most satisfactory: in all cases where — owing to the presence of the Dutch group of the population in the Indies and as a result of the administration of the Government over the Indonesians by Dutchmen — ready-made Western law institutions or juridical interdictions and injunctions appear to have been included in the law of the native population in such a manner that the *adat* law would not have arrived at that stage by independent development, in all those cases we can speak of Western influence on the *adat* law. As we have seen above it is a fiction to speak of *the* law of the native group of the population. Apart from the geographical (vertical) dividing lines, there are horizontal planes of division in the juridical resorts maintained by various units of native society. If the religious judge denies the juridical consequences of the adoption of children; if

the ordinary judge endows the adoption with a certain amount of juridical consequences; if the Government-judge and the highest native courts do not sanction the payment of a dowry whilst the village judges and *adat* chiefs do so in the daily administration of the *adat* law; if the courts of a native state adhere to the conception that all land belongs to the king (*radja*) and base their decisions thereon whilst the ordinary judge in the outer parts of the native state never adheres to this rule — and if then in the practice, the question arises as to what is *the* law in a certain case, how can any answer be given except by making it dependent on the reply to the question: — in which juridical resort did the case originate? Do we have to enquire as to the juridical rule maintained in the village, by the judge for religious cases, by the court of a native state or by another judge? He who replies: "I am seeking only that rule which coincides with the feeling for law or the notions of justice of the group of the population in which the case originated," is certainly not suggesting a solution in a society which is saturated with many currents, religious and worldly, obsolete and modern. Moreover, as regards many of the legal rules applied either by the village authorities or by the higher courts, "a popular conviction as to law" does not exist.

This all leads to the conclusion that we shall have to be content with an indication of the channels through which the Western ideas *can* penetrate into the sphere of Indonesian law and that anything like a general indication of the *material* carried through these channels would only be possible in special cases after a careful investigation.

The channels through which the Western juridical opinions and prescriptions seek an inlet into the native society are five in number: the administration, the jurisprudence, the juridical assistance, the mission and finally the spontaneous impulse to imitate.

1. There are more than enough examples of the tremendous influence of the actual interference of the administrative officials — both direct and indirect. The question, however, is: to what extent does that interference act as an independent cause; to what extent is it merely a guide of evolutions brought with it by the economic development, and further to what extent does it add *Western* elements to the law? If for instance, in Lombok, the burial of the dead is introduced after much struggle by the administrators for hygienic reasons and the leaders of the native communities have become not too antagonistic towards this change in the *adat*,

economic needs amend immediately the right of the deceased to take his worldly goods with him into a right of his nearest relations to those goods.

When the administration, after considerable difficulty and by applying all kinds of pressure, succeeds in combating the child marriages in the Lampong, the child marriages disappear, at least temporarily. When the registration of land transactions is prescribed by the administration, the possibility is created, when closing these agreements, of influence of a Western idea of consensual agreement on the Eastern (?) "real" character of the transaction: the model deeds which have been published provide the evidence of this. The regulations formulated by the Residents of Bali in respect to material private law (hereditary law, marriage law) have already been referred to; those who know Bali state that "for a great part" they were divergent from the actual relations but the decisions of the court were often based on them. On the codification of the customary law undertaken by the administration in Palembang everything relating to the payment of a dowry was abolished (because of its economic disadvantages and because it was in conflict with the respect for the woman, according to Western standards). It also influenced the justice administered by the courts; but as regards the actual juridical relations it is, if not wholly absent, then certainly insignificant. When, further, the acceptance of law suit deposits, the levying of compensation for the use of the waste land belonging to the villages and similar *adat* competencies are regarded by the administration as bribery, the Eastern law crumbles as a result of Western ideas, or Western ignorance.

2. A second channel through which the Western juridical rules are brought into contact with the Indonesian is the jurisprudence. Many examples are to be found in the jurisprudence for the application of the rules regarding the institutions included in the Dutch law codes such as *possessio*, *usucapio*, *condictio indebiti*, *actio Pauliana* etc. The Constitution of the Indies itself has for ages provided material food for that kind of jurisprudence through the injunction to fill all supposed gaps in the customary law in accordance with the principles of Western law instead of prescribing, that in case a properly established *adat* rule was not available, the law should be developed on its own basis and applied, in unforeseen cases, according to own principles.

For legal institutions such as the above, however, the words of

mr C. VAN VOLLENHOVEN, the founder of the study of the *adat* law in the Dutch Indies, are particularly true: "The arm of the judge is short." Very frequently the judgments do not touch the actual juridical relations of the natives at all. Much more influence can be exerted by the Western misunderstanding of a typical Eastern rule of law which prescribes the cooperation of the chiefs of village-communities at the sale or mortgage of land, on penalty of invalidity. If such transactions are recognised by the court as valid, notwithstanding the absence of this cooperation, the consequence may be, locally, that the village chiefs will be eventually ignored in connection with other transactions made in good faith; yet, notwithstanding the opposition of the jurisprudence, the *adat* rule protecting the individual rights of the native people usually develops independently and with the assistance of the village authorities.

3. A third channel through which, particularly in the main towns, Western law is admitted to the Indonesian relations, is the judicial assistance of notaries public and lawyers. While administrative officials and judges, generally speaking, have to a certain extent during their training become acquainted with the original legal relations of the people of the Archipelago, the private legal advisors, on their arrival in the colony, seldom have any knowledge of the customary law. Therefore, as the need to make a will occurs and notarial registration is desired, there is no connection with Indonesian methods to influence the division of the estate after death. The notary draws up a will on European lines. For this reason also, the lawyers who are consulted used to recommend Western juridical forms for the assurance of certain interest (floating a company, deeds of property, etc.)

A passionate advocate of the institution of Western law for the whole of the native population recommended in the interests of its rapid spread the appointment of half-trained juridical assistants on a large scale, who owing to their incapability to handle a system of customary law would quickly turn to the ready made Western laws. Luckily the Government has never gone further into this suggestion to destroy justice.

4. Special importance must be attached to the *mission* as an entrance for Western law because of the receptiveness of the group of Indonesians entrusted to their care and directly influenced by them as regards new juridical ideas especially family law, since the new religion affects the old relations. The great and learned

missionary dr. ADRIANI has demonstrated the striking manner in which the fear of the spirits of deceased ancestors and of tribal gods disappears under the influence of the Christian religion, as instanced by the abolishment of the prohibitive signs attached to crops and erected on land. The efficacy of these signs was based on the belief in the protecting spirits and gods which were an indispensable institution of law as well as religion. A tactfully handled process is necessary to transform the magical-religious importance of such institutions into a juridical economic state.

In addition, the Western missions, purposely and incessantly aim at the abolishment of polygamy, the limitation of divorce, the abolishment of the child marriages and of forced marriages. The juridical rules brought from the West and closely connected with the Christian religion are established in written regulations; the opinion of nearly all missionaries and religious teachers who have placed their thoughts on paper, is that their arm is also short and that if it is really desired to amend the actual relations, one must limit oneself and moderate one's tempo.

5. Finally, besides the influence of the civil servant, the judge, the lawyer and the missionary, the fact must be specially mentioned that amongst the Indonesian population a group of Westerners is living in accordance with the rules of Western law, whose legal customs occasionally provide examples for the Indonesians who come in contact with it. Here the inclination to imitate Western methods when performing juridical acts provides the channel. Naturally the larger cities and speaking generally, the group of well educated natives provide the principal surroundings where it is possible to encounter examples of this manner of penetration of Western thoughts, for it is there that the contact with the European group is most frequent and the native *adat* relations are at their weakest. The Western betrothal of a boy and a girl followed by marriage whereby the *adat* rules are totally ignored, is becoming popular here and there. The "Western" hiring of houses also often occurs among the Indonesians; private or holographic deeds are drawn up in respect of all legal acts, and their form and juridical style betray their Western origin; cooperative groups are consolidated into associations with Western by laws even though they are not transformed to Western corporations. This is not however a universal phenomenon; in the midst of these forms of native imitation of Western institutions we still find even in the inner-*kampongs* of the main towns the existence of Eastern forms of money lending,

adoption, and similar legal practices, which are unknown to the West.

When attempting to determine the influence of one of many factors on a process of development, it will seldom be possible to *measure* it; one is limited to approximate *indications*.

INFLUENCE OF THE WESTERN ADMINISTRATION ON THE NATIVE COMMUNITY IN THE OUTER PROVINCES ¹⁾

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Owing to the fact that the closer contact between the West and the last in the Outer Provinces, generally speaking, dates from the last decades and that certain influences prevailing in Java do not exist there, the administration in the Outer Provinces provides an excellent object for the investigation of the action of the West on the native community.

Before entering more deeply into the details of the subject we must put clearly before us the two following circumstances.

In the first place it is necessary to distinguish between the task of the Government and the autonomic task of the native communities of the population. It would however be incorrect to imagine that the regulations ²⁾ concerning the Government-task exercise an unmodified and unadulterated influence on the native population. These rules are executed by an organisation of European and native officials and native headmen, who pay due attention to the needs and peculiarities of the native community and execute and apply these rules accordingly.

On the other hand it would be just as incorrect to suppose that the rules laid down by the native organisations themselves form the pure precipitation of the needs of the population; the West has al-

¹⁾ As the object of this essay is to give a general survey of the action of the West on the native community, the conditions applying to certain countries are not discussed unless this is desirable for the general typification; on the other hand remarks of a general nature will be encountered which are not applicable to certain countries.

²⁾ The question as to in what degree the special needs of the native community were taken into consideration when these rules were fixed, is not treated in this essay.

ready exercised its influence to too great an extent on the organisation of the native communities and there is too much supervision of the activities of their administrations to make this possible.

The action of the administrative organs therefore reaches out in both directions; there is their action under the influence of the native community on the deeds of the Government and their action under the influence of the West on the rules of the native communities.

In the second place it must be remembered that the extent of the Government task is not the same everywhere but it keeps pace with the needs and the standard of development of the population.

Against this is the fact that the extent of the Government task and the possibility of expanding it is governed and limited by three constitutional barriers.

The first is formed by the task or household of the native communities in the widest sense. In this respect the Outer Provinces can be divided into three kinds of territory ¹⁾.

In the first place we have the native states (indirectly administered territory); the extent of the household of the native states with long contracts is statutorily guaranteed by the fact that only a number of subjects, mentioned by name in the contract, have been withdrawn therefrom; as regards the native states with short declaration, the Government is at liberty to limit this household, but in the native state-regulation of 1927 it has placed limits upon itself in this connection.

However, possibility does exist to transfer a subject of the task of the native states to the Government task, but this is an exception and must remain so.

Next to these are the native juridical communities in directly administered territory, usually known as native municipalities. Although their constitutional autonomic position is weaker than the municipalities in Holland, a certain economic task is left to them, but limitation is always possible. The main point is that a number of subjects belong to their household and are governed by the rules of the native community.

In the third place we have small areas, where the native communities have no individual legal. We find these communities also in the big towns, where they are called native wards. The head of the

¹⁾ Previously there was a fourth type of territory i.e. the Government provinces. See Visman in *Koloniale Studiën* 1928 and Logemann in *Feestbundel Bataviaasch Genootschap* 1929.

community as ment here, is simply to carry out the Government orders; his task is in no way that of a representative of the people. No actual limitation of the Government-task exists in this territory.

The second barrier is formed by the circumstance that in the whole of Netherlands India with one or two exceptions, the material civil law of the native population consists of the unwritten native law, so that Western rules are not valid in this sphere.

The third barrier is formed by the recognised native jurisdiction in various districts, which implies that there the Western rules in the sphere of the material and formal laws of the jurisprudence are not valid.

This native jurisdiction is found in practically all native states; it is one of the duties of the native ruler to establish such rules. The native jurisdiction is met with also in those parts of the directly administered territory where the population has been allowed to retain its own jurisdiction; there the native unwritten law prevails in all cases where there is a question of (unwritten) material civil and formal civil law and the material and formal criminal law whilst in indicating the juridical organs closer contact with the native community has been sought than in the case with the territory, subject to Government jurisdiction.

From the above it will be seen that the action of the administration on the native community is dependent on a number of factors such as the administrative organs, the native communities, the extent of the Government task and that of the native communities and their mutual relations and interaction.

In order to make the matter clearer we will make a closer study of these factors. To do this it is necessary in the first place to give a description of the political situation of the native community in the Outer Provinces in the state that this was encountered at the time, when Government began to expand its authority.

Everywhere organised native communities were already extant but they differed greatly among each other in character, viz. independent communities; communities which stood in federative relation to each other; communities, which were subordinate to other communities or were dominated by them. Apart from intermediate phases we can, for our purposes, distinguish between the native principalities, which dominated the communities in their

territory, and the communities within and without, often standing in political relation to each other and thereby forming village unions, federations or federations of village unions. Of these villages, village unions or federations there is always a certain type which is the community "par excellence," inasmuch as in its administration the greater part of the authority in the matter of regulation, administration — in more limited sense — jurisdiction and police is vested in it, even though part of this authority can be transferred to a subordinate community or to a community of a higher order. In this way the village, the nagari in the Minangkabau district, the desa in North Bali, was and is the community "par excellence"; in South Sumatra it was and is the marga, the village union, which is composed of several villages. Of these villages, village union or federations of village unions, the highest can be regarded as (small) states in an international sense at least if its administration acts with the highest authority outside.

What, now, was the attitude of the Western authority with regard to the native communities during these first periods of closer contact, which did not synchronize for the various districts.

In the first place a number of small kingdoms, with whom long contracts had been concluded, were conquered and brought under direct administration (Palembang, Djambi, Bandjermasin, Rhio, Bali provinces); other small kingdoms were maintained and recognised as (semi-independent) native states (Siak and the East Coast states, the states in the Western district of Borneo, Koetei, several states in Celebes, Ternate, Tidore and Batjan, Bima and Soembawa).

After the years 1898/1910 the line of conduct was altered in so far that also after a war of conquest, these states were allowed to keep their status of native state.

In the second place, previous to 1898/1910 the native communities which were not native states, including those situated in the territory of the former native states, were placed under direct administration; the recognition of these communities usually took place through the head of the community, and not the community as such, being recognised by the Government.

In the third place the territory with which we came in contact after 1898/1910, was, generally speaking, not turned into directly administered territory; the communities were recognised as native states or native states were formed, consisting of several communities, between which there sometimes existed a political relation (tie) and sometimes not. A very noticeable difference in the recognition

of the native communities prior to the years 1898/1910, is found in the fact that at that time often only the lowest type of communities were recognised i.e. by recognising their headmen, for instance the village in the Lampongs, elsewhere the middle type of native community such as the village union (the marga in South Sumatra or the Koeria in Tapanoeli) but seldom the federation of village unions, which also existed in those districts. Since the years 1898/1910 on the contrary communities themselves and not only their chiefs were the first to be recognised whilst further in the indirectly administered territory the middle or highest types of native communities were recognised as native states whilst here and there a native state was artificially formed which was not known to the native institutions.

What appears now from the above facts?

In the first place the existence, prior to the years 1898/1910 of a preference for the introduction of direct administration and for the recognition of the lowest communities.

The result was that the task of the Government was considerably extended and the interference of the Western government with the village brought about a new contact between the Government and the people.

It will be seen that this circumstance influenced the necessity of appointing native district-officials and their position.

In the second place, since the period 1898/1910 it is noticeable that preference is given to indirect administration (native states) and to the recognition of higher native communities. The result is that the task of the government is more limited and that the contact between the West and the people is lessened; the distance between the government and the people has been widened.

We see, therefore, that the close contact between the Government the people has been weakened and that the aim is to limit the interference of the Western Government with the administrative bodies of the higher native communities.

After these introductory remarks we will successively review:

- I the organs introduced by the Government to carry out its task;
- II the existing native organs, which were and are used in carrying out this task;
- III the existing native organs with an autonomic task and
- IV the new organs which have been introduced by the Western Government, with an autonomic task.

I

Of the organs which have been introduced by the Western Government to carry out its task, mention must be made in the first place of the European administration.

In cases where the provinces coincide with the old native states and the provincial government was established in the capitals of the sultans (Palembang, Djambi, Achin), the old political unit was retained; the inhabitants of the old native states continued jointly to pay their homage to the old capitals Palembang, Djambi, Kotaradja etc.

In establishing the Assistant Residencies, connection with the native communities was only obtained in a few cases; for instance the assistant residency of Langkat coincides with the native state of the same name. In the case of the resort of the Controleurs¹⁾ this was obtained on a much larger scale, sometimes because their resort coincides with that of still existing native states (Serdang, Soembawa besar, Batjan) or with former native states and sometimes because their resort coincides with that of a number of communities, recognised as native states, between which there is a native political tie (Kwantan, Kampar, Rokan, Karo lands).

The result of this will be the maintenance of the solidarity existing between these communities, especially in the last mentioned cases, as these native states in practice form a real federation owing to the fact that the native rulers meet at regular intervals under the leadership of the "Controleur". At these meetings native state — regulations are discussed, the budget of all the native states is fixed and furthermore the rulers form together the highest court of justice.

On the other hand there are cases where the division into administrative units exercises a weakening effect on the power of the rulers of the native states and on the feeling of solidarity of the inhabitants of the community in question. As an example may be mentioned the native state of Siak which is part of the assistant residency of Bengkalis and includes the resorts of three Controleurs. As the Assistant Resident resides at Bengkalis and is therefore not in daily contact with the Sultan, the necessary collaboration is also lacking as regards the native state policy between the Sultan and the Controleurs. The same applies to Sambas, (Borneo), where there are three Controleurs and where the assistant resident resides at Singkawang and the Sultan at Sambas.

1) This European Government official can be compared to an English district officer. (Assistant Commissioner ?)

In the directly administered territory the resorts of the Controleurs often coincide with the higher native unions (Redjang, Lebong, Kalianda).

The result of this is the maintenance of the native political connection which exists between the inhabitants of these communities, as the headmen of the communities concerned, regularly meet to discuss administrative matters with the Controleur. These assemblies often also form the highest court of justice.

On the other hand the native political connection of these federations is weakened owing to the fact that the stimulus to unite (internal and external war) no longer exists now that the Government has made its appearance.

As opposed to this there are numerous cases in which at the institution of these resorts no attempt has been made to seek contact with the native political situation of the community; by this is not meant the resorts of the Controleurs which include several smaller communities or village unions, but those where one and the same federation or even lower communities, such as the "marga" for instance, are divided over two Controleurs which has a rather unfavourable influence on the native political connection.

Finally attention must be drawn to the endeavours, during the last ten years, to increase the resorts of the Controleurs by amalgamation. The fact that previously these resorts were comparatively small is not only due to the preference existing at that time for directly administered territory and for the recognition of lower communities, but also to the lack of an experienced better educated native administration, the often insufficiently guaranteed safety of people and property, the unfavourable political situation and the inferior roads and means of transport.

The enlargement of the resorts of these Controleurs has been made possible by the change in these circumstances.

In connection with the execution of the task of the Government native assistants have been assigned to the Controleurs in many provinces, which were to form a link between the Western Government and the native headmen.

Several remarkable conclusions can be drawn from the experiences with the various kinds of native assistants, which the history of the administration provides.

The institution of headmen of the "laras", "penghoeloes-kapala" and "penghoeloe soekoe rodi" on the West Coast of Sumatra ¹⁾

¹⁾ Schrieke in *Koloniale Studiën* 1927, p. 57 etc.

about 1840 have proved to be a failure, although several attempts were made to invest these functionaries created by the Government with a high degree of dignity in the native community and with a certain amount of native authority.

The failure of the institution of the headmen of the "laras" was mainly due to the fact that they, like the native district officials elsewhere, were more than ordinary assistants—they were really native Controleurs.

The exercise of this type of authority by officials who were either not native headmen or who did not occupy a higher native rank than the native chief, whose superiors they were, could never be a success in the Minangkabau community; prestige in this community was lacking. The failure of the institution of the "penghoeloe kapala" and the "penghoeloe soekoe" was also due to authority being given to persons whose native rank in their community was not in conformity with their created position.

What is of more importance to us under the present condition, which developed since 1912, is the native district administration, especially in its new form. In imitation of Java, a commencement was made with the extensive organization of the district administration usually in the following form: side by side with the Controleur there was one native district official under whom were three or four sub-district officials each with his own resort. The more intensive execution of the task of the Government (road construction, police, forced labour, taxes etc.) and the unfitness of the native headmen made this organisation necessary. It was only natural that in practice the native sub-district officials became minor native Controleurs, but their training for this position was too imperfect.

The action of this district organisation and the effect on the native community is again dependent on the extent of the task of the Government and the nature of the native community.

In territory where there are important native states there is no necessity for a Government district organisation, as next to the Controleur there are one or more native rulers; there we can speak of a native state-district organization for the benefit of the contact between the native ruler and the people; the problem is then the same as in the case of the directly administered territory.

In territory with smaller native states a Government district administration may be necessary to maintain the contact between

the Controleur and the native ruler ; it is then better to refer to them as "administrative assistants" as this typifies their functions more-correctly. Sometimes circumstances necessitate their being stationed in a place far from the Controleur in direct opposition to the recognised desirable principle. This carries with it the danger, that they practically become native minor Controleurs to the detriment of the authority of the native rulers.

In the directly administered territory we have to distinguish between three conditions.

In territory without native communities or where these native communities are lacking to sufficient strength, there exists a real need for a native district organization. Namely from a financial point of view it is inadmissible and for other reasons it is undesirable to place the Controleur so close to the population by reducing his resort, that the native district officials could be done away with, unless higher native communities are artificially formed (see page)

It might even be desirable in these territories to raise the district organization to the level of a—hitherto non-existent—higher native organisation so that the (sub-)districts would become political units in stead of administrative units.

Up to the present the outlook is not very hopeful as only in the resort of Bandjermasin and Oeloe Soengei (South and East district of Borneo) experiences seem to justify the hope that in the long run the district organization there will supply the need for a higher political organisation. There the district and sub-district officials are the real administrators of the country. Also in the Minahasa, where the district officials are chosen from the families of the old tribal chiefs, the district organization has taken root. Elsewhere (Rhio, Djambi) experience does not teach us much, as owing to the low standard of education of the people of the country it was necessary to appoint natives from other parts as (sub-) district officials; as they are looked upon as strangers, it will remain an impossibility to expect here the formation of higher political units.

The territories with strongly united low communities (villages) present a totally different picture. In Ambon no attempt could be made to place native district officials over the Ambonese negory (village) headmen (regents); the regents, there, are immediately responsible to the Controleur. In Minangkabau a modern (sub-)

district organization has been substituted for the headmen of the "laras"; although the (sub-)district officials (demangs) enjoy a greater prestige than the old headmen of the laras, thanks to their better education and pay and their enlarged resorts, the same evil is still apparent; viz. that certain persons, are entrusted with the exercise of an authority, to which they would never be entitled according to their native rank. It appears that however in such territory the present form of district administration can only be spared on the formation of higher communities of a native character.

It goes without saying that in the territory with a higher variety of native communities (South Sumatra, South Celebes) or with the highest type of communities (South Celebes) the problem is even more complicated.

Although (sub-)district officials with their own administrative resorts are found here, the position of the heads of the communities and the practice of the administration necessitate, now or in the future, the transformation of the district organization into subordinate assistants of the European administration while, whereas formerly they were placed in the interior, under the new system they will be obliged to take residence in the capital of the resort of the Controleur ¹⁾.

Practice now has taught us, that in territory with higher native communities, the position and the future of the district organisation have taken on an entirely different aspect from the more and more from the Controleurs — independent exercise of authority, which was expected on the institution of that organisation. At the time, with the Java example in view, thoughts turned to an increasing emancipation of the district officials accompanied by a withdrawal of the European officials. Already in 1919, although the principle of this new position was left intact *for the future*, the task of the district administration was *for the present* described as being one of control, and the relation to the native headmen not as hierarchical but as co-ordinate with a sphere of activity with and next to each other.

Some years later, in 1927 this principle was carried still further; and it was settled, that also in the future, the task of the district-administration was — for the territory with higher native communities — to be limited to the control of the native headmen in assistance of the Controleurs.

¹⁾ For South Celebes see Spoor in Koloniaal Tijdschrift 1928.

The administration in those territories of the Outer Provinces therefore assumes a totally different aspect; no further emancipation of the native district officials but on the other hand emancipation of the native communities and their chiefs and the maintenance of the influence of the European "Controleur", accompanied by the enlargement of their resorts within such limits that regular contact with the headmen of the native communities is still possible. This extension can be promoted by instituting higher autonomous Western regions to whom or to whose subordinates a part of the task of the European Controleurs can be transferred.

The contrast between this aspect and the line followed in Java to arrive at the emancipation of the Government native district officials disappears if we regard the Javanese regents not as Government officials but as high chiefs of the people, even if they are chiefs paid by the Government and have had a high Western training; in this case the lower Javanese district officials (wedanas and assistant wedanas) become the salaried assistants of their chief, the regent, from whom they derive their authority.

Reviewed in this manner it will be seen that the line followed in Java is the same as in the Outer Provinces i.e. the emancipation of the native headmen. The only difference then is that in Java the resort of the highest native chief (the regency) is much larger and has a greater population than the highest form of native community in the directly administered territory of the Outer Provinces, that therefore in that territory of the Outer Provinces the need exists for the creation of a higher grade of autonomous community to look after the interests superior to the highest native community and that the Javanese regency can best be compared to the large native states of the Outer Provinces which also have their own native district officials for keeping in contact with the people. Only in those parts of the Outer Provinces without strong native communities, will there be a place in the future for a real district organisation with native district officials and their emancipation.

For the administration of justice — also part of the task of the State — the Government has also instituted the necessary organs i.e. the Government courts. In the territory subject to Government jurisdiction the lower jurisdiction is in the hands of the administrative organs (district officials, Controleurs); the higher jurisdiction is exercised by special law courts which are presided over by judiciary officials.

From this it appears that the chiefs of the native communi-

ties, officially, have no interference with the jurisdiction except that here and there they are members of the Government courts.

Actually there exists, in spite of the Government courts, an extensive but informal village justice or rather jurisdiction of the native communities which concerns itself with offences against the unwritten law and differences between the inhabitants of the communities. This jurisdiction which is regarded by the legislator as "amicable settlement" is for the population a real justice. Its preference for this informal village justice is undoubtedly connected with the circumstance that for the Gouvernment-judge the native unwritten criminal law is invalid; that he cannot impose native punishments; that the chiefs of the communities have no interference with the Government jurisdiction and that the Western form of procedure hangs like a mist between the native, seeking justice and the judge.

It also happens that the higher native communities maintain their own jurisdiction side by side with and in spite of the Government jurisdiction. For instance in some parts of the Lampongs the Government courts are only for serious offences and for offences related to the principal towns; the civil cases tried by these courts are all summonses for debt brought forward by non-natives.

All other matters are settled by a complete organisation of native judges, who are not recognised by the Government.

All these examples, related to the existence of this informal jurisdiction of the native communities and their chief, prove the unsatisfactory nature of the Government jurisdiction for the native community.

In the territory subject to native jurisdiction, that is where the native unwritten law is valid and the native procedure can be followed, the *lowest* judges are the chiefs of the native communities. When organizing the *higher* justiciary organs, sometimes an effort is made to link up the new institutions with the native organization, but by no means always. In some few cases the native jurisdiction, created by the Government, is not the *real* native jurisdiction but a pseudo native jurisdiction¹⁾, the pseudo part is formed by the fact, that the court appointed to administer justice is not rooted in the native political organisation. This, and the Westernising of the jurisdiction exercised under the leadership of the Controleurs, often results in this the native jurisdiction being referred to by the native population as Government jurisdiction.

1) See Meyer in *Koloniale Studiën*, 1924 page 300.

Where the native institutions are still effectual and the population has become estranged from this pseudo jurisdiction, it shows this enstrangement continuing to place all its own cases before the old court, for instance in Padang Lawas before the "rapat-adat." The fact that the inhabitants are dissatisfied with the so-called native jurisdiction has resulted in the real native jurisdiction being kept alive, in the same way as with the Government jurisdiction in the Lampongs.

II

With a few exceptions the Government has always made use of the headmen of the native communities in exercising its task ¹⁾.

Previously, owing to the lack of knowledge of native institutions, people were sometimes appointed for the execution of the task, who in virtue of their native position were not the right men. The result was that they only possessed the verisimilitude of authority, whilst the actual authority remained in the hands of the real native headman ²⁾.

Even at the present day the ignoring of the native authority in some countries leads to a dualistic authority viz. the headman recognised by the government is the man in authority as regards the task of the Government, whilst the native authority looks after the native task or the real interests of the community.

This is shown by the following two examples:

In the Lampongs districts the chiefs of the marga village union have not been recognised by the Government since about 1870, till 1928 ³⁾; the task of the Government was executed there by the village headmen, who were immediately subordinate to the district officials and the Controleurs. Side by side with this numerous village questions and native matters were brought to the marga chiefs for

¹⁾ In a few primitive communities however the headmen had not developed to the Status indicated in the text. Amongst the Toradjas ²⁾ for instance, the chief was a person who naturally came to the fore, who dared more than the others, who was well spoken and who was best acquainted with the customs which were adopted. Individually he had no authority; he was only obeyed as long as he acted in accordance with the legal conviction of his community.

The Government charged these headmen with the execution of the task of the State and imagined that they were in a position to do this.

²⁾ See Haga, *Indonesische and Indische Democratie* p. 86.

³⁾ See Kern in *Indisch Genootschap* 1923 p. 70.

¹⁾ Kruyt in *Koloniaal Tijdschrift* 1924, p. 23.

decision by the inhabitants, notwithstanding the fact that these marga chiefs are not recognised by the Government. We therefore found there a dualistic authoritative organisation, absolutely independent of each other.

The second example is Ambon. Prior to the introduction of the native municipality — ordinance, whereby councils for the native communities were instituted to take care of the autonomic task of the village, the only authority recognised by the Government was the village "chief".

This chief was however regarded by the inhabitants as independent headman of the "negory" village only in connection with the execution of orders issued by the Government; in all matters concerning their own household, the "saniri negeri" (the chief with the lower chief) was the real village council ¹⁾. This goes so far that the village-headman, who receives his appointment from the Government, received his dignity in a native council from the senior and most prominent native chief.

Usually, however, the execution of the Government task was placed in the hands of the active headmen, who according to the Government institutions were the most suitable persons. In order to obtain a proper insight into the influence entailed by the aforesaid task, it is necessary to give a short outline of the organization of the native communities.

Apart from the real minor kingdoms, the native communities can, as regards their administrative organization, be divided into two groups. ²⁾ In the first group (Java, Bali) the highest authority, as regards native law, is vested in the village assembly, under the presidency of the village chief, whose power is limited by his colleagues, the elders and the committee members.

In the second group the highest authority is vested in the council of the native chief, who are representatives of the territorial or genealogical groups of the population; this council is under the leadership of the member, who is the *primus inter pares*. Before being placed before the council for decision, the cases are usually discussed by the representatives with their groups and unanimity obtained, whilst his power is sometimes also limited by the compulsory consultation with his assistants.

The efficiency of the administration prompted the Government to place the execution of the task of the Government in the hands of

¹⁾ Holleman: *Het Adatgrondrecht van Ambon en de Oeliasers*, p. 72/73.

²⁾ See Haga: *Indosische en Indische Democratie* p. 141.

one single-headed authority. For the first group this was nearly always the village headman, in the second group one of the headmen of the administrative council, usually the *primus inter pares*. In this way they became part and parcel of the Government's administrative organization; his position was dualistic — he remained native chief and at the same time was an servant of the Government.

Especially during the first decades of the Government-contact with the native community, when the interest of the European administration was largely concentrated on the execution of the task of the Government (opening-up of the country, order and safety, forced labour, taxes) and when prior to the pioneer labour of Prof. VAN VOLLENHOVEN, the knowledge of and the insight into the native organizations left much to be desired, there were a number of disadvantages attaching to this dualistic position.

In the first place the headman charged with the execution of the task of the Government felt the authority of the Government behind him; as a result he had less and less the feeling that he should discuss matters with the members of the native council and that he should act in accordance with the opinions of the population. More or less, he managed, with the authority of the Government behind him, to acquire a more autocratic position; this was also due to the fact that the native safety valves and means of defence, which the native community previously possessed in respect of their rulers, had disappeared or become less effectual owing to the presence of the Governmental authority.

The judgment of the manner in which a chief fulfilled his duties was transferred from the people to the Government, which used a different standard to that of the people. The Government was naturally inclined to relieve a headman of his duties who, whilst looking after the interests of his community, did not carry out the task of the Government to its satisfaction; on the other hand it was not quick to dismiss a headman who performed his duties towards the Government in a satisfactory manner but who, in the eyes of the people, fell short of his native obligations. It was the very fact that the people placed more value on the native task than on the Government task and vice versa that caused the conflict.

The fact, that it was the Government, which charged the headman with a certain task who (the headman) had to conform to certain conditions, made it necessary for the Government to have a voice in his appointment.

According to the native law the headmen are generally appointed

by election, due consideration being paid to the hereditary principle; i.e. in Java and Bali the village assembly and in most of the territory of the Outer Provinces the native council chooses the most suitable person from the children or relatives of the previous headman ¹⁾).

In imitation of Java, the Government instituted Western elections in most of the Outer Provinces. Starting from the idea created by the French Revolution that the community consists of separate individuals living side by side, the constituents were generally the fit male inhabitants.

This system has, generally speaking, not been a success; the requirements of the constituents as regards their headmen are different to those of the Government; they allow themselves, when voting, to be influenced by all kinds of factors which are not allowable in an election; bribery of the constituents by the candidates is a common thing. Therefore in many districts the election assumes the form of a nomination, on the understanding that the Government is not obliged to recognise the candidate who obtains the largest number of votes.

Experience taught the Government to pay great attention to the hereditary principle so that often sons of headmen were recognised without their having obtained the largest number of votes. By adhering to the hereditary principle the feelings of the population are satisfied, in the first place; further a deviation from this principle is regarded by the families of the headmen, who have often faithfully served the Government for years and under difficult circumstances, as an injustice; finally experience has shown that adherence to this principle is a good guarantee against extortion. It is still true that even if the headmen resort to extortion this would be much worse if they did not hope, through their good conduct, to ensure the succession of their sons. Now that several safety valves and means of defence against misconduct on the part of the headmen have disappeared, the importance of this guarantee, especially in view of the more autocratic position of the chief, may not be underestimated.

Although in 1921 the franchise of the adult male inhabitants was warmly defended, a step back has been noticeable in this connection during the last ten years. In Palembang, where until a short time ago the headman of the margas were elected by the fit male inhabitants the franchise was limited in 1926 to the village headmen, and the elders, as a result of which conditions are reassuming a native

¹⁾ Haga, page 37 etc.

character. It is true that adherence to the hereditary principle is not prescribed but the position of the electors form a guarantee that more attention will be paid to this than in the past.

A similar amendment for other provinces is also under consideration.

A second result of the task of the Government, being placed in the hands of the headmen, was, that the Government was directly concerned with their remuneration.

Under the old conditions the income of the chiefs consisted of voluntary gifts, the performance of personal services, a share in the fines and law costs and also in the charges in connection with the disposition of ground ¹⁾).

The interference of the Government in this matter of great importance to the country, had for its object regulation and protection of the people against too heavy burdens and extortion on the one side and the firmer establishment of the authority of the chiefs on the other side.

In this connection the principle was, and is maintained that the native communities themselves should supply the salaries of their headmen; that if the communities were not in a position to do this, the Government would allow subsidies and that on financial grounds the headmen were not entitled to any other remuneration from the Government than their lawful share of the tax money, so that the performance of the other part of their task was not paid for. The result was that the Government restricted its interference to the fixing of regulations regarding the contributions, in money and labour, payable by the inhabitants to the headmen. As funds were formed for the communities it was laid down that, in order to prevent abuses, the income of the headmen had to be paid out of this fund. Further every attempt was made to limit the personal services which had to be rendered to the headmen as much as possible and to substitute this by monetary contributions. As the labour of their people at their disposal became limited in this way, their power and prestige also decreased.

Generally speaking the headmen charged with the execution of the task of the Government have performed their duties properly, in some parts more so than in others. A better system has not yet been discovered; placing the task of the Government in the hands of others

¹⁾ Adam: De Autonomie van het Indonesische dorp. p. 47 etc.

than the chief (see the "penghoeloe kapala" of Minangkabau) has not proved to be satisfactory. The Western ruler and the European officials, as greatly dominating the Government task and influencing the native community, demand a counterbalancing influence; this is found in entrusting the execution of this task to native headmen. There is every indication that the disadvantages attaching to the system followed which are a result of the dualistic position of the headmen and which find expression in a preponderating powerful position in his community, will eventually lose their importance, according to the degree in which the autonomic task of the community becomes more important in proportion to the task of the Government. This is again dependent on the degree of the development of the people, whereby forces are formed in the community, which constitute a counterweight against the power of the headman, and on the greater degree of value placed by the Government on the autonomic task of the headmen.

As regards the execution of the task of the Government in the native states, I can be brief. The task of the Government in regard to the subjects of the Government residing there, is executed by the European administration.

As regards the task of the Government in respect of the subject of the Native States this is carried out with the assistance of their administration; the effect on the native community is discussed at a later stage.

III

The manner in which the autonomy, the autonomic task of the native communities has been generally influenced by the Government, has, in as far as it concerns the Indonesian village, been explained in Dr. ADAM's "De autonomie van het Indonesische dorp"

For this reason it will suffice to confine this discussion to a few of the main points. The household of the communities in the directly administered territory has been greatly limited by the Government on two points: firstly as regards their own jurisdiction and secondly as regards the care of the authority ¹⁾ of the community to grant the right of gathering gum and fruits and to clear waste grounds, both

¹⁾ Logemann and Ter Haar in "Indisch Tijdschrift van het Recht, No. 125, p. 348.

of which are primary factors of native communities, without which, in the eyes of the native population, a household of a native community is not imaginable.

As regards the jurisdiction, this has been dealt with on page 18 in the territory where Government jurisdiction has been introduced, the jurisdiction of the native communities was not recognised. In the practice, however, an informal type of native jurisdiction was retained. However favourable this village justice may be, the lack of recognition and regulation creates the possibility of too much power in the hands of the native chief whose outlook naturally often does not extend beyond the boundaries of the village and whose education is often inferior to that of many of the villagers.

On the other hand in the majority of territories, where native jurisdiction is maintained, the village justice is recognised and regulated as part of that jurisdiction.

The second point concerns the described right, referring to waste ground, of the native community, although this right is not recognised by the Government, the population is more or less allowed to manage or enjoy the waste ground. The degree, in which this right is still actually exercised, is therefore not the same everywhere and depends on the existence of Government regulations concerning this matter, on local conditions, on the views of administrative officials and also on the extent to which the native communities insist on their rights. Also on this point the territory with native jurisdiction have an advantage over the territory with Government jurisdiction, for the reason that in practice the native judge applies the civil or criminal law in cases of non-payment of the duties which in connection with this right are levied by the native community for the use of the waste ground.

Apart from the fact that a Commission is appointed to investigate the possibility of an amendment of the agrarian law with a view to allowing the recognition of this right it is noticeable that in the agrarian regulation of the last few years there is a tendency to give more recognition of this right of the community. This finds expression in the first place in the recognition of the right of the population to collect forest produce for use within the community; in the second place by the possibility to institute spheres within which the regulations of the native communities in regard to the collection of forest products and the clearing of waste ground receive full recognition.

A further strengthening of the native communities within the directly administered territory, shall first of all be obtained from

the recognition or regulation of their own jurisdiction and of their right of disposal of waste ground.

For a closer review of the autonomic task of the native communities it is necessary to divide these communities in the directly administered territory into three groups. In the first place those communities which are not recognised by the Government. The Lampongs provide a clear example of this: notwithstanding the non-recognition of the marga (village union) by the Government since about 1870 till 1928, the inhabitants continued to subject the decision of native matters and village questions to the chiefs of margas so that in that province we may speak of a dual authority i.e. the execution of the task of the Government in the hands of the village headmen, the districts officials and European administration and the native matters in the hands of the native chiefs.

It is only natural, that the non-recognition of the marga by the Government should have eventually lead to a weakening of the authority of the native chiefs and to a lessening of the extent of its autonomic task.

In the second place must be mentioned the territory, where the native communities are only recognised, not as communities but as the resorts of the headmen charged with the execution of the task of the Government and where the native community, as such, thus the possession of an own household, is not recognised by the Government and where therefore no regulations in this regard have been drawn up.

Except in territory, where the native organization is very strong, as in Bali, and where the existence of a household is recognised in practice, the above mentioned disadvantages are felt very strongly in the territory referred to—in other words the headman charged with the execution of the task of the Government obtains a preponderating position of authority, also in regard to the care of the autonomic task of the community not recognised by the Government. Yet the native organization does not allow itself to be pushed to one side and very often the influence of the members of the native council is found to be much greater than is imagined at first sight, In Ambon, for instance, it appeared (page....) — before the institution of the Native Municipality ordinance — that the autonomic task of the village was actually exercised by the "saniri negeri" i.e. the village headman with the old tribal chiefs, notwithstanding the fact that the Government had only recognised the village headman.

Yet here again the non-recognition of the existence of a deli-

berative council must lead to a weakening of the authority and the influence of the native chief referred to and further to the expansion of the task of the Government, due to the crumbling of the council of the community which, although not recognised, actually exists in practice.

Then there is the third and extensive group of native communities, of which the existence of an own household is recognised and of which the household is regulated by the Government, either by the Governors of some Outer-Provinces (South Celebes, Djambi) or in the Native municipality ordinances. The reason for this recognition and regulation is to be found in the consideration that the constitutional building-up of Netherlands India should be based on these native communities: that use should be made of the headmen, living in the consciousness of the population, but that a counterweight should be created against the position of power occupied by the headman charged with the execution of the task of the Government.

Connected with the native organization there is formed an administrative council, referred to in the native municipality ordinances as native municipal council, placed at the head of the municipality in regard to the autonomic task. This Western regulation has affected the original situation in four different ways.

In the first place by the institution of the function of Municipal headman. Generally speaking this institution brought nothing new with it and was merely the establishment of the situation as it had already been created in practice, that the headman charged with the execution of the task of the Government already occupied a higher position in respect of the autonomic task of the community, than to which he, as *primus inter pares*, was entitled. As head of the municipality he is charged, *jointly* with the council, with the management of the municipality. Further he is chairman of the council and the executor of its decisions.

In the second place the regulation on two points deviated from the original composition of the native council. Here and there several chiefs, who, in virtue of their native position could lay claim to a seat in the council, were excluded from membership, for instance in Benkulen, several of the village headmen, in Palembang, the *djoerais toea* (in the highlands) and in Minangkabau, the "*penghoeloe tida bersoerat*". As the number of members of the "*nagari*" (village) council would otherwise be too great, selections were made

in Minangkabau from the native chief who, according to the native law, were entitled to a seat. Only part of them, the "penghoeloe bersoerat" obtained a seat in the council. The result was that here again dualism was created; the people distinguished between the limited council of the "nagari" which was not in accordance with the native institutions, as Government institution and administrative organ and their own council, the council of all native chiefs, which became the deciding organ in all native matters.

Further in nearly all provinces with a native municipality-ordinance the institute of the elected members of the municipal council was inaugurated. Although the inclusion of these members in the council is dependent on the desire or at any rate on the approval of the population, elected members were included in all the councils in some districts, partly under pressure of the administration and partly because the people misinterpreted the position of these members. The value of these elected members, who do not fit in with the existing representative character of the native council of these communities, has so far been very insignificant. Generally speaking they are not regarded by the people as their representatives because the native chief occupies this position; complaints and wishes of the people are seldom put forward by them in the council, this being done by the native chiefs. During the discussions they usually say little or they demand impossibilities.

The elected members are usually the selfconscious people who try to force themselves into the foreground; they are seldom the native chiefs who have not been included in the council as these are rather shy of the Western tinted Municipal Council and therefore do not contest a seat. That characterises the non-indigenous character of the institution; — the people hardly feel the representative character of the elected members as they are already represented by their native chiefs.

Also they do not form a counterweight of any importance against the autocratic position of the head of the native municipality.

No more does the position of the elected membership satisfy those who occupy it. They feel themselves very much inferior to the native chiefs, who are members of the council, who are the actual representatives of the population; who are the executors each for his own group, of the decisions of the council, acting on the orders of the head of the municipality; who also assist in the execution of the task of the Government and who furthermore are often members of the court of the native community. The native chiefs do not there-

fore regard them as equally important members of the council, but as social "war profiteers".

It was discovered that here and there the elected members were ignored by the native chief-members who first discussed matters with the native head of the municipality in the municipal council.

The inclusion of elected members in the council increases the possibility and chance that the people will regard the institution as something strange.

In the third place the council, under the influence of the Government is charged with the care of modern interests, which the people do not understand and often do not desire but which we consider to be in their interests. Native schools, native banks, agricultural and live stock improvements etc. have been included in the jurisdiction of the native municipality and in the task of the native municipal council.

Although this is an improvement on the old situation, when these matters were taken care of by the administration and by the headman of the community with the help of the people's money without their having a right of say, and although it would seem that the people will eventually appreciate this care of their interests as soon as they have reached a higher standard of education, yet as a result of this situation the interest of the people and the council in these matters is still small. A better system has not yet been found. To place the care of these interests in the hands of those, who are not native chiefs, does not seem to be desirable, as this care of the interests necessitates direct contact with the population, and therefore the greatest possible interference on the part of the native chief, to form a barrier, is desirable.

If we then consider that in various provinces the original task of the native is more or less limited by the Government, as a result of the withdrawal of the subjects which are regarded by the people as of primary importance (own jurisdiction, the described referring to waste ground) whilst on the other side they are charged with the care of other modern matters of a Western character, which they regard with a certain amount of indifference and antipathy, it is then clear how much the success of the Government interference in the native municipality can be promoted by limiting the original task as little as possible and by not charging them with care of too many matters of a Western character; then it is also clear that in the territory, where the jurisdiction of the native communities has been wholly or partly retained the possibilities of success of the

The effect of Western influence.

regulation concerning the native municipalities are greater than elsewhere.

Finally municipal funds have been instituted for the care of all sorts of interests particularly the modern interests, and in order to supply these funds the municipalities levy taxes which sometimes coincide with the native duties and sometimes take the place of municipal labour. The manner in which the interests were cared for changed in character in the sense that they were more and more cared for by means of money, especially those of a Western character. In this connection a number of administrative regulations were drawn up governing the management of these funds, the compilation of budgets and of budget accounts, regulations which owing to the lack of anything on the same lines in the native community — naturally bore a Western character. Although the people are slowly becoming conversant with these matters yet they endow the native municipal council with a certain Western character, which is foreign to the population.

If we now consider the influence emanating from the above mentioned four factors (especially of the three latter) i.e. the composition of the municipal council which is not wholly in conformity with the native institution, the imposition of modern interests of a Western character and the limitation or withdrawal of competency, without which a native community is unimaginable to the people, the institution of a municipal fund, the levying of taxes and the ideas which are so difficult for the people to understand such as budgets, budget accounts etc., then it is understandable that in many provinces the people do not look upon the native municipal council as their own council, but more or less as a Government institution and that there is a risk that the care of the native unwritten law and the real interests of the community are taken care of either by another, but originally composed council or are transferred to a lower community, subordinate to the Native municipality. The measures which would appear to bridge the gap, which now exists between the native population and the native municipality, would seem to be: to arrange the composition of the council in accordance with the native institutions, to expand the original native task by recognising the jurisdiction of the communities and their above mentioned right referring to waste grounds; to limit the care of the interests of a modern Western character to those which do not come in conflict with the standard of

education of the native population; to limit the fiscal side of the regulation concerning the native municipalities.

However we must not overlook the fact, that also the native community is changing itself in connection with the strong economical development of the last twenty years, the disintegration of the self supporting economy (stage of primitive group economy), the increasing education and so on. In consequence of this the native institutions weaken or change in character, and the care of modern interests grows more and more necessary. Still we must not think too much of the change in the mind of the village-inhabitant; generally speaking he feels himself quite comfortable in his own village-community, and he is still liking his native institutions. Where these institutions check the economic development, their change will take place imperceptible.

The policy of the administration shall have to direct itself to the economical and social development, and keep pace with it.

The native States provide us with a problem, similar to that of the native municipalities. The extent of the task left in the hands of the native rulers is, however, much greater than is the case with the municipalities in directly administered territory, because the extent of the task of the Government is limited by statute.

As a result the original task of the native States is practically unlimited; they have, nearly every where, retained their own jurisdiction; the right referring to waste grounds is recognised everywhere and only limited here and there as regards the granting of leases for forest and mining concessions. The native States have, however, been deprived of their character of an international state, as a result of which a number of matters directly connected with the Government and affecting the general interests of Netherlands India have been withdrawn. Further they have lost their authority over the inhabitants, who are Government subjects, although this category would appear to be shrinking rapidly and to be confined to the non-native residents of the states. If this latter feature materialises, then a similar condition will be created as in the case of the native municipalities in the directly administered territory, whose authority does not extend to the non-native inhabitants.

Also in regard to the native States the Government has affected the native institutions, firstly in connection with the exercise of the

native authority, further in connection with the care of modern Western interests and thirdly by instituting territorial treasuries.

In this connection we must not forget the distinction which has been made between the native States, which are really native Principalities and the native communities which have been recognised as native States and which are of a similar character to those in the directly administered territory (native municipalities). The original organisation of the last group is naturally the same as that in the directly administered territory (page) Here again we have a native council consisting of representatives of territorial and genealogical groups of the population; one of the native chiefs in the *primus inter pares*.

As regards the real principalities, the ruler exercised an autocratic power, which however is generally overestimated, as he most certainly had to take the wishes of his people into consideration in connection with the exercise of his authority. In many of the native States there was a council of noblemen, who assisted the ruler, which was sometimes composed of relatives and sometimes of representatives of groups of the population, whose advice had to be obtained and with whom the ruler even had to arrive at an agreement ¹⁾. For reasons, similar to those in the case of the other native communities, the ruler has, through our recognition, become more independent of the people. Further in various countries the power of the council was, under our influence, substituted by a one-headed authority as a result of the noblemen being abolished or being made district officials ²⁾. Even in those parts where the council has been retained, the position of the ruler towards the noblemen has been greatly strengthened.

The course has, however, now again been changed in so far that according to the present conviction there are now no more political reasons for the abolishment of the institute of the noblemen.

The desire to democratize the native states has led to the inclusion of a condition in the Native States regulation of 1927, whereby the native ruler can avail himself of the services of an advisory council.

In practice these councils have not yet been instituted. If they are realised, then in my opinion, the recognised or the abolished nobles will form the nucleus of these councils. The status of native State has, so far, been able to keep experiments on the lines of Western democratic ideas at a distance.

¹⁾ Haga, page 158—197.

²⁾ Idem page 167 etc.

For the native States, which are not principalities, the ambition to institute a single-headed administration brought an even greater change in the original conditions.

Here the ruling power, according to the native institution, was vested in the council of chiefs of which the headman, recognised as native ruler, was the *primus inter pares*.

In native matters the native ruler continued to discuss matters with his chiefs; in other matters he exercised an autocratic authority, subject of course to the influence and supervision of the European administration.

For the rest in both the principalities and the other native states the native institutions were maintained; under the influence of the European administration, however, various changes were often made, for instance in the larger native states district officials were introduced as a link between the lower Native communities and the native ruler.

Very little attention has so far been paid to these lower native communities within the Native States. The result is that their autonomy has been materially decreased. In various states the above mentioned right referring to waste grounds, to which the communities are entitled, has been appropriated by the native ruler and the income derived therefrom has been paid into the territorial treasuries. Also, here and there, the jurisdiction of these communities has been replaced by the jurisdiction of native State-district officials, although the informal village justice has been retained. By recognising and limiting an own autonomic sphere of these lower communities, of the right referring to waste ground and of their own jurisdiction, a useful barrier can be formed against the influence of a too highly Western-tinted exercise of power by the native ruler.

The second point is the imposition of the native ruler of the care of modern interests of a Western character. As the native states are usually larger and number more inhabitants than the communities in the directly administered territory, the task of the government is much more limited and the autonomic task is much wider; as a result the income which is deposited in the territorial treasuries is fairly important and therefore this imposition has been applied on a larger scale than in the directly administered territory. Although part of the task of the native ruler, and therefore part of the care of these modern interests, was carried out by Government officials, as a kind of assistance, at the expense of the territorial treasuries, the native ruler was charged with the care of a number of modern in-

terests, for which they were not yet ripe. The result was that the European administration had to interfere in these interests on a large scale, and especially in olden times but now to a lesser degree, exercised the power of the native ruler. Another result was a general complaint regarding the incapacity of the native rulers for their task, which went far beyond their qualifications. Any improvement in this direction will have to come gradually.

The third point concerns the institution of territorial treasuries in which the whole of the income of the native state is deposited and from which all expenditure is made. The management of the finances, the establishment of the estimates etc. are regulated by the Government; the management of the territorial treasuries is also in charge of the European administration. As the administrative-financial regulations were strange to the native rulers and as their education did not extend to the intricacies of a budget it is understandable that especially in earlier years, the drawing up of the budget to be established by the native ruler was placed in the hands of the European administration. Now that the standard of education of the native ruler is increasing a gradual improvement in this respect may be expected.

The following point is directly connected with the above, i.e. the creation of higher resorts over the native States, coupled with a considerable limitation of the authority of the individual native rulers. The financial means of the 292 Native States in the Outer Provinces are condensed into 75 territorial treasuries while the establishment of the income and its application is decided by the joint native rulers concerned under the supervision of the European administration; as a result the individual native rulers have no direct rights regarding the disposal of their funds.

At these meetings of native rulers native matters are also often discussed while the ordinances of the native states are often established as a result of these discussions.

In various countries a step further has been made by placing the highest jurisdiction in the hands of a council under the leadership of the Controleur, this council being composed of the native rulers concerned.

In these countries the highest authority in native state-matters, such as jurisdiction, administration and regulation, is vested in the collective native rulers. In this way a higher constitutional unit has been created over the native states. Often this amounts to a revival of the native institution, whereby the communities which were

later recognised as native states, formed a federation; elsewhere it is an artificial creation of higher units.

IV

Finally the Government has instated new communities to take care of the autonomic interests entrusted to them. In connection with the nature of this essay their discussion is limited to those which are mainly connected with the native population.

In the first place must be mentioned the local councils, referred to here as local councils for Indonesians ¹⁾, which were instituted on the base of the Decentralisation act of 1903, especially with an eye to the interests of the native population.

Councils were instituted in 1918 and later years for the resorts of the controleurs ²⁾ consisting exclusively or almost exclusively of natives, under the chairmanship of the Controleurs; these councils were charged with the care of local interests such as roads, markets, fire brigades, street-illumination etc. The reason for instituting these councils was to create a Constitutional organisation to guarantee that what was accomplished, would not be strange in the eyes of the people.

The institution of these councils is all the more remarkable, because it is not in accordance with the newer administrative policy of that period, which amounts to this that the constitutional development of the native community must take place in the native way, except in cases where circumstances indicate another course.

This newer policy is expressed in the first place in the strengthening of the native communities and in the existence of a preference for larger native communities.

In the second place it was decided in that period to grant the population a say in the administration in an indigenous manner. The problem was whether this say in the administration should be granted in the native way by the representation of the population by its chiefs or in the Western manner.

Although the Native municipality ordinances, which also date from that period, open up the possibility, on a small scale, of the granting of a right of say Western manner (elected members), their main purport is connection with the native institutions. It is true

¹⁾ See Haga, *Indonesische and Indische Democratie* page 215—223.

²⁾ The Minahassa Council was, however, instituted for the Minahassa, the Ambon Council for the resort of Ambon and Saparoea.

that the institution of local councils for Indonesians has taken place in much larger territories than these covered by the communities, but they were territories where, with the exception of the Minahassa and Ambon, the inhabitants are still native to the core and where everything happens in native style.

The Decentralisation act, on the base of which the local councils have been instituted, is a Western legislation, intended for Western communities and it is therefore founded on Western principles, which are not so suitable for the native community.

What are the objections, which arise against the local councils regarding to the native community? First of all, that the composition of these councils does not connect with the organisation of the native community.

In the second place the highest authority in the matter of legislation and administration is vested in the council, to which the chairman is responsible.

It should be more in accordance with the native organisation if the administration should be vested in the chairman, and the legislation in his lands in agreement with the council.

In this connection therefore there adheres to this Western legislation a tendency to democratize too rapidly in the Western sense of the word and not in accordance with the character of the native community ¹⁾.

In the third place the ordinances and further the entire proceedings of these local councils are endowed with a Western character, as a result of the Western legislation, the European chairman and the care of modern interests of a Western character.

A second very important group of organisation with an autonomic task, instituted by the Government, is provided by Native municipalities, introduced either for villages (Banka—Billiton) or for village complexes, Batak lands, lower Djambi, which were originally not native communities.

The heads of the villages were previously charged with the execution of the task of the Government; the institution of the native municipalities amounts to the imposition of the care of the autonomic task, jointly with the municipal councils which have been instituted.

In the second group the villages have more or less been artificially grouped into complexes and the chief or one of the chiefs is placed at the head of the complex and charged with execution both

¹⁾ For other objections see Haga, *Koloniale Studiën* 1928, page 360.

of the task of the Government and of the care of the autonomic task of the newly formed community.

It is obvious that, especially through the formation of the latter communities, the distance between the Western government and the native people has been considerably increased. However these communities are also exposed to the danger, that their headmen, whose authority is not based on the institutions of the people, will actually not be able to exercise their authority in an efficient manner, as was the case with the headmen of the "laras" and the "panghoeloes kapala" of Minangkabau (page.....) yet there is every possibility, that these communities will be a success, provided their course and the competence of their rulers coincide with those of the Native communities which are rooted in the native institutions; that therefore a council of native chiefs under the chairmanship of the instituted head of the community be placed at the head of the community and that this council be competent to administer justice, to care for the right referring to waste grounds etc.

In the third place must be mentioned the newly formed communities formed by amalgamation of existing communities such as villages or village unions.

The most important motive in this connection was to form communities which would comply with the demands of the times, which would receive a sufficiently large income to enable them to offer their rulers a not too insignificant salary so that they can generally properly care for the autonomic interests.

Especially during the years prior to 1910, various communities were amalgamated in the Outer Provinces, in many cases without the approval of the people, while in other cases the resistance of the inhabitants made it necessary to abandon the amalgamation idea.

The Government often has had very little satisfaction from these amalgamations.

It was in many cases not possible to form a new community which was also felt to be such by the population; it regarded itself as still belonging to the old community. This is expressed on various occasions; complaints regarding the headman of the community usually emanate from the old community, to which the head of the community does not belong; at the election of a new community-headman the old communities are still rival parties.

In 1912 the Government accepted the principle to decide on amalgamation only when it is apparent that the majority of the population is in favour of the amalgamation and the conviction exists that a new unit can be expected after the amalgamation.

In the fourth group must be mentioned the local funds, consisting of semi-official local receipts, under the management of committees under the chairmanship of the Controleur from which, in population centres, several local interests such as street illumination fire brigade, markets etc. are cared for. These centres lie or have been placed outside the territory of the native communities; they are really European municipalities in embryo, although the inhabitants are often mainly natives and Chinese.

These committees have no legal powers (legislation tax levying, jurisdiction). They are of interest for our subject, as these centres form enclaves, in which the Western Government comes into close contact with the native population. As there are no native communities, the task of the Government includes everything which does not belong to the task of the local funds and the Government task is executed by the European administration with the assistance of ward-headmen. Further the preponderance of the European administration in the committees is of that nature, that it amounts to an execution by the Government, also as regards the interests which are taken care of by the local funds, even though the expenses are borne by local money and even though the representatives of the people are regularly consulted.

In the fifth place the Government has created native states, either at once (Toradja lands) or by amalgamating native states (Flores) for parts of the territory which, according to native institutions do not form native communities. We see here, therefore, the same as has been experienced with the smaller communities in the directly administered territory. (see 2nd. and 3rd.).

Here also the question arises whether the headman, recognised as native ruler actually commands authority throughout his territory.

The impression is awakened that the population is fairly indifferent in cases such as this, provided it is allowed to remain under the authority of its own chiefs of the communities. Therefore the native ruler has no original authority in these states. The status of native state which clothes the native ruler with the highest native authority and grants him original competencies, opens up the possibility that he will eventually obtain this authority in the eyes of the people.

Conclusions.

From the above we may, under reserve, reach the following conclusion with regard to the administration in the Outer Provinces.

First of all, Western institutions, which are not in accordance

with the native community, will not find acceptance, the people opposes it or react in such a manner, that these institutions are placed outside the community, the native institutions continue to exist beside the Western institutions, even if in a somewhat weaker manner.

On the other side, (the native community accepts institutions and measures of a modern Western character, provided they connect more or less with the native institutions), which on their turn adapt themselves to the Western institutions.

New organisations therefore have, as far as the native community is concerned, the greatest chance of success, if they connect as much as possible with the native institutions. For instance the imposition of the execution of the task of the Government on the headmen of the native communities has been successful, and also, in higher or lesser degree, the care of modern interests of a Western character by the boards of the native communities.

Next to this a tendency is noticeable in the history of the administration to prevent Western regulations penetrating too far into the native population.

In this connection a strengthening of the existing native communities is noticeable, especially of the higher native communities, the extension of the autonomic task of those communities and further the formation of native communities. In this manner a barrier is formed against the strong influences of Western regulations on the native community. The institution of autonomic regions on Western foundations should only take place in territories of such an area that the regions have a sufficiently large task and that the influence emanating from them does not act directly on the native population; there should be effectual native communities between these councils and the population, to provide a barrier.

For those who aim, not at the destruction of the native institutions but at the amalgamation of Western institutions coupled with mutual influences, these conclusions will present many attractions.

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INTERRACIAL PRIVATE LAW

(The Colonial Conflict of laws).

BY

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I

When subjects of the same country, within the borders of that country, are subject to different private laws, difficult problems arise regarding the law to be applied when these people enter into juridical relations with each other.

In the modern Western countries there is, as a rule, one law for all citizens, but this is not the case in the Eastern colonies. There the European law is applicable to the Europeans and the natives have their own law. But Europeans and natives buy and hire from each other, close labour and insurance contracts, dispute each others rights to land, marry each other and beget children both legitimate and illegitimate, inherit from each other and take proceedings against each other — and in all these cases the question must be answered: "Which law is applicable, the European or the native?" These juridical relations show points of contact with the European and the native law, both of which are in force in the same district of the same country.

These interracial juridical conflicts are not always between the European and the native laws, for in addition to Europeans and natives there are, in many colonies, still further groups of subjects to whom another law is applicable. For instance, previous to May 1, 1919 when practically the whole of the European private law (including the family law) became applicable to them, the Chinese-Dutch subjects (which should be distinguished from the Chinese foreigners) in Netherlands India were subject to *European* law of property and contract, but to *Indo-Chinese* family law and many were the important questions of interracial law which the courts had to decide between Chinese and Europeans and natives as a result

of trade, marriage and family relations. And further for instance the much smaller group of Arabs (Dutch subjects) are still subject to their own family law. However for the purposes of this article I will mainly confine my attention to mixed juridical relations which concern Europeans and natives.

II

Interracial juridical relations, whereby Europeans were concerned, have naturally existed from the early times that the Europeans established their dominion over Eastern territory and regarded the Orientals as their subjects, but it was not until the end of the nineteenth century that the peculiarity of these relations was fully realised. To this end it was not only necessary that these mixed relations should be more frequent but especially that they would invoke a decision of the court or the legislator. The one is not always accompanied by the other. The majority of these interracial relations fall under the law of contract but judgments here are scarce. Daily the European buys from the native, daily he makes use of his services and labour both inside and outside the home, in the office, on the estate and in connection with his transport and yet in these matters judgments are scarce as long as it does not concern matters of ground and houses. On the one hand this is due to the fact that the amounts concerned are so small that they would not warrant the expense of a law suit and on the other because, when it concerns larger amounts, use is made of a means that is encountered in many colonies where the European law of contract is not applicable to the whole of the population i.e. the faculty of the native party to choose the European civil law in respect of a certain transaction ¹⁾. The European often makes this voluntary submission one of the conditions of the contract, if it is at all important, so that the interracial conflict is nipped in the bud.

And then, it is true, the legislator in many Colonies has interfered, but by declaring the western law of contract applicable to the native population, whereby the interracial conflict of laws lost its importance. In Netherlands India however this happened on a smaller scale than in the French colonies and British India. The Netherlands Indian legislator confined himself mainly to the application, in 1879, of the European labour contract law ²⁾ which however was replaced by more modern regulations for the European

¹⁾ For Neth. India see: Statute-book (S.) 1917 no. 12, revised 1926 S. 360.

²⁾ Articles 1601-1603 of the Civil Code of 1848.

population in 1926 ¹⁾). The labour contracts of the native crews of ships rigged in European fashion, are also governed by European law. ²⁾

And yet for Netherlands India it is none the less true that although in the first place commerce causes a more frequent contact between Europeans and people belonging to other groups of the population, and although the majority of the interracial juridical relations actually fall within the law of contract, the interest of the jurist is only very poorly satisfied. As so few difficulties arise in the practice — for the reasons mentioned above and also perhaps because the European and native laws for everyday cases teach us the same things or because a mutual law is in course of formation — there is no object in including them in our review. There are enough burning questions which require our attention.

Matters are quite different when it concerns the interracial relations with regard to land, and for this reason I have purposely omitted just now the ground and house agreements. Here there is no question of concurrence between West and East. Here the interracial conflict directly strikes the interested parties and they turn to the courts and the legislator for the solution of their problems. The Western agriculture and industry demanded more ground, the towns in the colonies expanded, Orientals and Westerners came to live next to each other and to till ground adjoining each other with the result that the problems of interracial law became more and more unavoidable. Can an European have a native right to land, or a native an European right? Can we speak of the proper law of native and European land? Or does the law, which is applicable, change when the land changes owner so that a native right becomes European in the hands of an European buyer? Which law is applicable if a native rents his native land or pledges it as security for debt to an European? These questions are not always replied to in the same way in the different colonies. We shall see on which lines the solution is sought.

¹⁾ As a result in 1926 there originated, in a sphere which had been free from this since 1879, a new possibility of interracial conflicts, which however the legislator has endeavoured to solve himself by means of article 1603 X of the Civil Code. The contents of this article amount to the following: The new law of 1926 shall be applicable to a labour contract which an European enters into with a native or Chinese (the Chinese also remained subject to the the labour law in force prior to 1926). If a native or Chinese enters the service of an European, the new law will only be applicable to him if he is taken on for work which is usually performed by an European.

²⁾ Statute Book 1873 No. 119.

The mixed marriages have always attracted considerable attention. This is especially the case since, owing to the greater intellectual development of the native community, the marriages between European women and Oriental men have become too many to be regarded as curiosities. Does an European woman, through her marriage become a native in the sense of the law? Do the children follow the status of their native father? Here again the decisions of the court and the legislator could not be dispensed with, no more than they could in other questions of matrimonial relations, guardianship and inheritance, where Eastern and Western ideas differ. Also the artificial transfer of Orientals to the European group, by means of naturalisation or assimilation, causes mixed family relations between them and their late group companions.

III

There was another factor which strengthened interest in the interracial law towards the end of the nineteenth and in the beginning of the twentieth century: the tremendous growth of modern international private law. The interracial juridical relations were striking because of their similarity to international private juridical relations. In Netherlands India reference was made, until quite recently, to "quasi-international" private law and even now the name has not altogether died out. Nowadays preference is given to "intergentiel recht": interracial law.¹⁾ Also abroad, those who have anything to do with interracial law, commence drawing a comparison with the international private law. ARMINJON, who wrote on interracial law calling it: "le droit international privé interne" in 1912, appears, in his "Précis de droit international privé"²⁾, to regard interracial law as part of international private law and although this in the yet unpublished volumes of his work will probably prove to be largely a question of name, it indicates that also in France the close relationship between international private law and interracial law is recognised.

NEUMEYER's theory³⁾ is an attempt to make the rules of international private law fit to interracial law. GOADBY frequently refers in connection with the problems of "interreligious private

¹⁾ Sometimes also translated as "inter-tribal law".

²⁾ Part 1, 1925; 2nd. edition 1927.

³⁾ See Zeitschrift für Völkerrecht und Bundesstaatsrecht VI (1912) p. 125: "Privatrechtliche Mischbeziehungen nach deutschem Kolonialrecht".

law'', which are encountered in Palestine, to the solutions provided by the international private law. ¹⁾

Thanks to the knowledge of the international private law the eye became keener. Numerous interracial matters were previously unnoticed; this appears from the law reports which include judgments whereby interracial problems were implicitly decided, but the titles of these judgments do not bring the decisions to the front, so that the law tables maintain this silence, much to the inconvenience of the modern student in interracial law. Owing to the interest for international private law, this has now been improved. However, the influence of international private law also had its drawback. The difference between interracial law and international private law and the consequences thereof were not always kept in view. The specific character of the interracial law compared to the international private law was crowded out.

In order to be able to apply the rules of international private law, the international juridical relations or the interracial juridical relations were transformed by fictive theories thereby deriving the axiom that only good could come of the application as much as possible of the rules of international private law to the sphere of interracial law. Perhaps what was even more dangerous was the transfer to the interracial law of a dormant method of international private law which, luckily, is being used less and less, i.e. to attempt to solve the juridical conflicts by means of general formulae without knowledge of the *contents* of the law applicable to the case. These general formulae were based on the "disposition" or the "nature" of the "right" in question, which disposition however stood in suspiciously close relation to the law that *was* known to the person pondering over the case. It is a method which also threatens the work of HENRY SOLUS as appears from the whole plan and the explicit introduction of his recently published book. ²⁾

Without thorough knowledge of the contents of the native law of the original inhabitants of the French colonies, protectorates and mandate territories, the learned writer endeavours to show the relation of this law to that of the mother country in broad outlines. A plan, which in daring and overestimation of the ability of modern science, brings back memories of the French-Italian school of international private law.

¹⁾ Goadby, International and interreligious private law in Palestine (1926).

²⁾ *Traité de la condition des indigènes en droit privé. Colonies et pays de protectorat (non compris l'Afrique du Nord) et pays sous mandat.* (1927).

Ignorance of the adat law was and still is one of the greatest obstacles in the way of the development of interracial law. Further this is also often accompanied by a disregard for the law which is not known. Nothing has so seriously impeded a clear judgment of the interracial relations as this contempt. Not until the Europeans no longer regard it as inferior to have rules of the native law applied to them — not because he disapproves of the contents, but only because it is adat law — will the possibility be opened of a true appreciation of these complicated relations.

IV

It is therefore not to be wondered at that up to the present day the literature on interracial law is confined to a very few articles in periodicals and a few scattered pages in works on Colonial and International private law.

A. *England. British India.* As regards English literature the above mentioned work by GOADBY on interreligious law in Palestine is the only one known to me. The jurisprudence of British India does not appear to have been elaborated on this point. There is not even a name for this special branch of juridical science so that I have had to choose the title of this article myself — a dangerous venture for a foreign jurist! Under these circumstances I have not dared to construct an English or British Indian opinion on interracial law from the incomplete details on legislation and jurisprudence at my disposal in Batavia.

B. For *Netherlands India* the scientific interest in interracial law dates from a meeting of the Netherlands Indian Jurists Association in 1887. At this meeting Messrs L.W.C. VAN DEN BERG and J.C.TH. HEYLIERS reported on the question whether a new statutory regulation regarding mixed marriages was desirable. ¹⁾

Especially the report of Mr. VAN DEN BERG LL.D., has been of great influence, — not in the least by the contradiction by others of his thesis which was so contrary to practice. The debate at this meeting of jurists was one of the motives which led to the accomplishment of the Regulations governing Mixed Marriages of

¹⁾ Art. 15 of the introductory regulations of the new legislation of 1848 provided that a non-European (male or female) who wished to enter into a marriage contract with an European, had to submit to the European civil and commercial law before the marriage. Article 12 and 13 of the ordinance of May 24, 1861, S. 38 provided for marriages between Christian natives and Europeans in the Moluccas.

1896 (S. 1898 No. 158) which is still in force and which was drawn up by a State Commission of which VAN DEN BERG was secretary. In 1902 VAN DEN BERG wrote a detailed article on interracial law in the "Tijdschrift voor Nederlandsch-Indië", in which he showed himself to be a supporter of a statutory regulation of the interracial law by means of a few general rules of conflict. In 1910 he was in the position, as member of a State Commission, to co-operate in a projected Royal Decree on these lines which however was pigeon-holed.

VAN DEN BERG was of opinion that, as the legislator had fixed the law applicable to each of the groups of the population, it was impossible to apply another law to anyone in either group, as long as the legislator had not definitely ruled to the contrary. In this way Europeans could never exercise native landrights whilst on the other hand, according to the letter of the law, natives could not possess ground belonging to Europeans or even be mortgagees according to European law — although in practice we have seen this every day since the time of JAN PIETERSZON COEN. Therefore according to VAN DEN BERG the interference of the legislator was absolutely necessary.

The opinions of VAN DEN BERG must be regarded in the light of the time which still believes that all rights are contained in statute-law. For the interracial juridical relations the rule must also be able to be read in a statute. Well, has not the legislator fixed the law which is applicable to all persons in each of the groups of the population? The legislator has not made any allowance for cases in which people find themselves in interracial relations. He has therefore not desired that exception and expected that even then everyone would be subject to the law of his own group.

VAN DEN BERG did not realise that hereby the interracial law was overridden and that just the typical character of interracial relations: the possibility which it opens that a law is applied to a person other than that to which he is subject, was denied. He did realise that his opinions would mean unfairness in practice, but this undesirable result was imputed to the laxness of the legislator.

These opinions of VAN DEN BERG were disputed again and again by Mr. I. A. NEDERBURGH ¹⁾ It is largely due to him that a better

¹⁾ See for instance "Wet en Adat" 1 (1896) p. 293; "Wetgeving voor Nederlandsch-Indië" 1 (mixed marriages) 1899 p. 115, T. 79 (1902) p. 607; T. 80 (1903) p. 13; T. 81 (1903) p. 343 etc. (T. = "Het Recht in Ned.-Indië" since 1914 "Indisch Tijdschrift van het Recht": The Law Review of the Dutch East Indies).

understanding of the interracial law developed whilst his influence was also directly felt in the jurisprudence. His opinion that the interracial relation can be sufficient ground for the application of the law of a certain group to a person, for whom it is otherwise not intended, won more favour than the legalistic opinion of VAN DEN BERG. His influence would undoubtedly have been much greater if he had not concentrated his outlook and thoughts for the future on a *ius constituendum*, which was to eventually do away with all interracial difficulties.

Has the international private law also worked infectiously here? There also, now and again, an endeavour is made, on a large or small scale, to do away with the juridical conflicts by making the law the same in all states. In NEDERBURGH's opinion, what had appeared to be an utopia for the international private law, is for the interracial law an attainable ideal, as there is a legislator present here who can prescribe the law for the various groups. Making due allowance for the nature of the various groups, which has come to light under the existing law, the legislator has to find the law which is suitable for all and to apply it from the top downwards. Possibly, by reason of the force of the facts in addition to the unified law applicable to all of the colonial community, it will only be necessary to tolerate a law which, for a few groups, only differs in a few points, but then only as an exception ¹⁾. The general Law will, in the first place be applicable to all mixed relations. It would be correct to state that this ideal of the future, presented to the legislator and not to the judge, does not affect our interracial law, if a suggestion did not emanate from these plans which has immediately influenced the opinions regarding interracial law.

What will the new law for the Netherlands Indian community look like, that, like the truth out of the "choc des opinions", must be brought forth from the collision of the various laws of the population? ²⁾, More European than native? Western or Eastern? Notwithstanding all the assurances of Mr. NEDERBURGH, to the effect that this general national law would only be passed after a careful investigation of the existing law and the social needs, without preference being given a priori to the law of one or the other of the groups, I am of opinion that Mr. NEDERBURGH himself has

¹⁾ See Nederburgh in "Eenheid of Meerheid van Recht voor Ned.-Indië" in T. 79 and 80 (1902/1903) and "Rechtshervorming in Ned.-Indië". Lecture Indian Society, Dec. 2. 1905 with an "after reflection".

²⁾ A comparison which Mr. Nederburgh made himself: "Weten Adat" 1.354.

not always played the role of neutral critic of European and adat law. He is of opinion that the legislator can imperceptibly conduct the native to a *better* conception of law ¹⁾, that the adat law should not be codified before it is where it is wanted sc. by us, the Europeans ²⁾, that for Netherlands India there are few objections to the principles of our European law as a general law ³⁾, but that the institutions of the adat law which clash with our European principles of law should be removed from it ⁴⁾. This all indicates a prepossession for the European law which does not coincide with a neutral redacteur of the general Indian national law. The cause is to be found in the natural-law-tinted opinions which the writer has of the task of the legislator. In his eyes it is an abnormality that different laws are applicable within the boundaries of one country, and therefore he grasps the axe to chop off the branch of the interracial law from the tree of juridical science. "One state should have only one judicial conviction", he writes in his essay "Eenheid of meerheid van recht", "without that, respect for the law is lost, and this is certainly the case in a country where the most conflicting principles of law are in force". ⁵⁾

The legislator has got to decide which principles of law of which group are the right ones for all and then, when drafting the law, he has to take these principles into consideration for the whole population.

Writing in "Wet en Adat" on mixed marriages he says "the question is: — is polygamy desirable or not, is it good or immoral? If the legislator does not know this, he lacks one of the principle requirements for legislative powers; if he does know, then he has to act accordingly" ⁶⁾

This is typical of Mr. NEDERBURGH's writings on the law of the future. Polygamy is moral or immoral, good or bad. He lacks the conviction that what is good for one group of the population can be bad for another; that the religious and moral opinions of the one group can stamp as moral that what another group regards as immoral. It cannot be the task of the legislator to force the opinions of one group of the population on to another, as long as there is not

¹⁾ Wet en Adat 1, last part, p. 41; first part, supplement p. 355.

²⁾ Indian Society, meeting Dec. 2, 1905 p. 7.

³⁾ T. 80 (1903) p. 38.

⁴⁾ Eenige hoofdlijnen van het Ned. Ind. Staatsrecht, 1923, p. 90.

⁵⁾ T. 79 p. 592.

⁶⁾ Vol. 1 p. 355.

a general desire for a unified plan of any kind, even if it does affect specified opinions.

For Mr. NEDERBURGH, the rules of the interracial law are therefore really a *pis-aller*, a temporary remedy until the law, generally applicable, has been discovered, as long as the legislator has not completed his task of composing a general national law or as long as he has had to allow concessions to the incorrect law conceptions of a population of millions, "which can only be brought to better insight, slowly and gently but not by force" ¹⁾. The ideal of a general Indian law of European tint glitters in the distance. Should not then the European private law be given right of preference in the positive interracial law at once?

This is the suggestion which, in my opinion, emanates from Mr. NEDERBURGH's work on the future law of the Indies. It must however be said immediately that Mr. NEDERBURGH himself, writing on the interracial law *in force now*, has in a remarkable manner freed himself from his own theory of the general law of the future.

The Royal legislator of 1896 did not, when laying down the "Regulations governing mixed marriages" act according to NEDERBURGH's opinions. With perfect assimilation of the European and native laws he stipulated that the woman, by her marriage, is subject to the law applicable to her husband, so that an European woman who marries a native is subject to the native law and, in the eyes of the law, is a native. Mr. NEDERBURGH regretted that the legislator would not lay down an original, specific regulation governing the mixed marriages, apart from the marriage law of the various groups of the population, but said that taking it for granted that the legislator sought a solution in a system of regulations which refers to the laws governing the various groups, these reference rules which he gave are probably the best that could be given ²⁾.

In the same article from which these words are quoted Mr. NEDERBURGH refers to the various groups of Netherlands Indian inhabitants to which are allowed different laws only in order to respect as far as possible their individual opinions. ³⁾

And in 1900, writing on a concrete question which cropped up, as a result of the aforesaid Regulations of 1896, Mr. NEDERBURGH wrote down words which one would hardly expect from the pen of the sponsor of the general Indian law of the future: "The law recog-

¹⁾ Wet en Adat 1 p. 355.

²⁾ IBD. 1 p. 382.

³⁾ Wet en Adat 1 p. 390.

nizes a difference in legal position but only in connection with race and apparently admitting that it gives to each the legal position which is best for him, but does not give more to one than to the other. Although we Europeans prefer by far our legal position to that of the natives, this only shows that the legislator has adopted the correct attitude and has not taken for granted that our legal position is also better for the natives''.¹⁾

There is thus a remarkable contra-position hidden in NEDERBURGH's work. He requests the legislator to endow the European law with a higher value in the law of the future but if one reads unconcernedly what NEDERBURGH writes about the existing interracial law one finds that he describes and applauds the thesis that for the positive interracial law no higher and no lower group law exists, but only dissimilar law.

Although NEDERBURGH has won a place of honour in Netherlands India amongst the writers on interracial law, he never succeeded in devoting his studies to interracial law in its entirety. With the exception of his comments on the Regulations governing mixed marriages (in "Wet en Adat", Part 1), his observations on interracial law were more or less incidental and are scattered about in his many articles on Netherlands Indian law. On the other hand Mr. ANDRÉ DE LA PORTE reviewed in 1908 in part 91 of "Het Recht in Nederlands Indië", the "quasi-international" private law in its whole extent and the manner is noticeable in which he seeks therein the support of the international private law. After discussing the point of view of the Government and the legislator, of VAN DEN BERG and NEDERBURGH, Mr. ANDRÉ DE LA PORTE quotes a few decisions of the courts. A very concise chapter then follows on the origin and principles of international private law, which, among other things, leads to the result, that is established, that in international private law the so-called cosmopolitan principle applies, by which is meant that under certain circumstances each foreign legislation can be a source of law for all. This principle is later transferred to the interracial law to serve as a weapon against VAN DEN BERG. If, therefore, even a foreign legislation can be a source of law for any citizen of Netherlands India, how much more must this be the case with the law established or maintained by the Netherlands Indian legislator, even if it applies to another group than that to which this citizen belongs. Would a native be able to

¹⁾ T. 74 (1900) p. 336.

obtain proprietary rights in London and not in Batavia? I do not know whether VAN DEN BERG considered this argument very convincing. VAN DEN BERG appealed to the so-called will of the Netherlands Indian legislator, who, standing above the groups of the population, has laid down the law for each group. For him, the comparison with the international private law, where the supranational legislator is missing, must have failed. In regard to VAN DEN BERG an appeal to the newly won view that the legislator did *not* foresee and regulate everything and a reference to the interracial law which has grown up in practice without the interference of the legislator, would have been more in its place. If this argument of ANDRÉ DE LA PORTE appears somewhat top-heavy to us, we must not forget that his article was written 20 years ago and that at that time the spirit of VAN DEN BERG and of the legislator bore heavily on the jurists.

After having opened up the way in this manner for interracial law, ANDRÉ DE LA PORTE raises the question as to when the one and when the other law is applicable, in cases of conflict between the various laws of the population. His reply is: refer to international private law and endeavour, as much as possible, to transfer its rules to the sphere of interracial law. The greatest difference between international and interracial private law is however that in the latter the place does not offer any point of contact for applicable law. The various laws in the colony are applicable, without any *territorial* limitation, to the various groups of the population living together. In international private law on the other hand, the place of the act, the place of residence or of the situation of property often decides the point as to which law is applicable. How can it then be possible to prepare the rules of international private law, which make use of the place as a deciding element, for application to interracial law? By making use of a fiction in respect to the interracial juridical relations. Mr. ANDRÉ DE LA PORTE writes: "I do as though each of these laws (i.e. for the various groups of the population) possesses its own territorial jurisdiction, in the same way as the legislations of various states have their own jurisdictions. Europeans are then presumed to have their actual place of residence in the jurisdiction of the European legislation and therefore to exercise their civil rights, in that place. I consider rights originating under the action of the legislation applicable to Europeans, as originating in the European jurisdiction, native rights as originating in the native jurisdiction" ¹⁾. To which the learned writer adds later, which does not

¹⁾ T. 91, 329.

appear from the above, that land owned under native law, is presumed to be situated in the native territory, etc. In this way it is, for instance, possible to apply the rules of international private law regarding real estate. A piece of land owned by an European according to European proprietary law falls under the European jurisdiction; if a native buys this ground it remains within the European "territory" and the law of the place, i.e. the European law is applicable. I cannot say that I am an admirer of this fallacious theory. It rests on the unproved *axiom* that it is correct to follow the rules of international civil law in the interracial law *as much as possible*. If this *axiom* is rejected then the theory, which tries to do away with the most characteristic difference between interracial and international private law, in order to make the application of the rules of international private law possible, is without foundation. In my opinion Mr. ANDRÉ DE LA PORTE has drawn the bands between international private law and interracial law too closely, so that the interracial law is in danger of being stifled. What seems to be better to me is the starting point which he describes at the commencement of his investigation of the history and principles of international private law i.e. that the object of his investigation was to discover at every turn the ratio of the concrete rules of international private law and see whether this ratio could be used in solving similar interracial law problems.¹⁾ Unfortunately the writer whilst writing has strayed away from this starting point.

C. Germany.

Two years before the war broke out NEUMEYER gave a review in the *Zeitschrift fuer Voelkerrecht und Bundesstaatsrecht*, of what had been accomplished by German writers in regard to interracial law. It appeared that it was not much. Some²⁾ denied the existence of *adat-law*, as the native colonial law based on custom was not established by the legislative organ of an internationally recognized country. NEUMEYER himself had considerable difficulty in saving the *juridical* character of the *adat-law*, in any case for practice.

Naturally those who denied the existence of a native law also

¹⁾ Mr. A. d. I. P. spoke on the same lines at the meeting on June 2, 1925 of the Utrecht Society (Section for Jurisprudence and Political Science, p. 81/82).

²⁾ Wolff and Romberg, quoted by Neumeyer p. 144. Compare Braun, *Zur Frage der Rechtsgültigkeit der Mischeben in den deutschen Schutzgebieten*, Inangural Dissertation, Greifswald, 1912 p. 13.

a fortiori denied the existence of an interracial law conflict. For application only the German law would come into consideration "faute de combattants".

VON HOFFMANN has another point of view and in his "Einführung in das Deutsche Kolonial-recht" (1911) he admits that a native law exists and that therefore interracial law conflicts can occur. According to this German professor however the interests of the German colonists is the deciding factor, which in the opinion of the writer must lead to a preference for German law.

Against the consideration of determining the jurisdiction of the two law-systems by a purely personal criterion, he writes: "Gegen die Anwendung dieses Grundsatzes kann der Umstand sprechen, dass man es in den Schutzgebieten nicht mit zwei nebengeordneten Stämmen, sondern mit einer übergeordneten weissen und einer untergeordneten farbigen Bevölkerung zu tun hat, dass die Interessen der ersteren vorgehen und sie deshalb auch bei Angelegenheiten gemischten Rechtes mit ihrer Rechtsordnung ein Uebergewicht haben musz" ¹⁾). As an argument against the supposition that a native court could apply native law to an European it is stated that this would be "ein mit dem Interesse der Weissen wohl oft unvereinbarer Zustand" and therefore for this case, a pragmatic application of the "Personalitätsprinzip", which was discarded as a *general* principle, is recommended.

After all the theory of NEUMEYER is also built up on the same basis ²⁾, except that NEUMEYER attaches more importance to the interests of the colonising country in its entirety than to the interests of the whites in the colony or of the European who is concerned with a certain mixed juridical relation. The sober object of our "Kolonialpolitik", he writes, is: "die Schutzgebiete für die Heimat nutzbar zu machen". This is the standard which has to be applied to all measures, but he who has this object in view will not always want to Germanise everything in the colony. "(Er) wird in die bestehenden Verhältnisse der Kolonien nur soweit eingreifen als es die Erreichung dieses Ziels notwendig macht; er wird, soweit es mit diesem Ziel vereinbar ist, die rechtliche Ordnung ihrer Angelegenheiten der Eingeborenen ueberlassen und damit auch fuer die Mischbeziehungen die Grenzen respectieren, welche sich juristisch aus der Art der Rechtsverhältnisse ergeben". Thus maintenance of the

¹⁾ p. 176.

²⁾ This does not appear until the last page of his article which disillusionises the reader, who has followed him so far with ever increasing admiration.

law, not for the sake of the law alone, but only as far as there is no conflict with the interests of the mother country. It is an opinion which has also been known in Netherlands India. SCHOLTEN van Oud-Haarlem, the president of the State Commission, which was charged with the task of amending the Dutch codification of 1838 to suit the demands of Netherlands India, wrote in 1845 that "the greatest possible respect for the religious and national customs, which are so highly valued by the natives, will help considerably towards a correct and peaceful maintenance of Dutch power"¹⁾. And the European law of contract and property was applied to a great part of the Chinese population in Netherlands India in 1855 and following years, at first exclusively in the interest of the European merchants. But this stage of colonial juridical policy now lies fifty years behind us.

Inside the circle formed by the interests of the mother-country and promoted by these interests, it is, according to NEUMEYER, advisable to apply to the interracial juridical relations that law which the juridical relation demands. But this is only the problem. The solution of it NEUMEYER finds like ANDRÉ DE LA PORTE in the rules of international private law. NEUMEYER has carefully studied the article by the Dutch jurist and although he condemns his fictitious theory, he has felt its influence. ANDRÉ DE LA PORTE endeavoured by means of his fictitious theory that each group of the population lives in a certain district, to bring interracial law in close contact with international private law, but NEUMEYER does just the reverse and endeavours, by removing the place as a decisive element to determine the choice of law from the rules of international private law, to bring this law nearer to interracial law. "Lösungen (in the international private law) die im Wettbewerb Staatlicher Ordnungen eine persönliche Beziehung des Tatbestands als die entscheidende herausgreifen,sind einer entsprechenden Anwendung im Kolonialrecht fähig. Räumliche Anknüpfungen dagegen versagen für Gruppen, die im gleichen Gebiet beheimatet sind, grundsätzlich, und es musz hier der Reduktions prozess, die Ausscheidung nicht zu verwertender örtlicher Beziehungen des Tatbestands, so lange fortgesetzt werden, bis als die relativ wichtigste eine persönliche Beziehung zu einer der Rechtsordnungen übrig bleibt."

Against this theory we can put forward, *mutatis mutandis*, the same arguments as against the view of ANDRÉ DE LA PORTE, which NEUMEYER himself condemned. NEUMEYER also eliminates

¹⁾ Van Kan "Uit de Geschiedenis onzer Codificatie" p. 91 T. 124, 187.

the typical difference between international private law and interracial law in order to be able to apply the rules of international private law. This is the nucleus of the idea of his Dutch opponent which he has adopted. But why are the rules of international private law *per sé* also suitable for interracial law? It is possible to investigate this, rule for rule, in order — as ANDRÉ DE LA PORTE correctly describes it — to see whether the ratio of the rule of international private law offers a solution for the interracial conflict. But that this will always be the case is not a truth which can be confidently postulated. When NEUMEYER, by extracting the land law rules of international private law, brings himself to adopt as a general rule that in interracial law, real estate is governed by the law applicable to the owner, then just as little value can be attached to this rule, *on the ground of the argument to which it owes its existence*, as to the theory on interracial land-law of ANDRÉ DE LA PORTE.

In any case what is the value of such a theoretical rule, when in practically every colony, (but different in Netherlands India to Cochin China, and in the Tell district of Algeria to other places) there exist positive rules of interracial law in regard to land-matters, which, in those colonies have to be considered in the *first* place, even if these rules are not statutory law. Is not the comparison with international private law striking where for a long time on the continent everybody's eyes have been fixed on a theoretical "supra-national" private law floating above the countries, before it was realised that a French, German, English, and Dutch international private law existed?

D. France.

Before the war interest in interracial juridical and allied problems was especially expressed in literature on Algeria. In 1888 DUNOYER wrote a thesis on this subject ¹⁾. LARCHER touched the subject in his article in CLUNET (1908) entitled: "Des Effects juridiques du changement de religion en Algérie". In 1910 a thesis followed by MARY on the "Influence de la conversion religieuse sur la condition juridique des personnes en Algérie". In 1912 ARMINJON wrote his study, already mentioned above, on "Le droit international privé interne, principalement dans les pays musulmans". Further there are many scattered remarks on interracial law in the handbooks

¹⁾ "Etude sur le conflit des lois spéciale à l'Algérie". Quotations are to be found in Neumeyer's article. The thesis was not available in the library at Batavia.

on French Colonial Law in general and in those on Algeria in particular, such as from GIRAULT, BESSON and LARCHER and in many smaller essays and articles in periodicals which were not all available in Batavia. As a result of the war, interest has increased, for two reasons. The first was that the influx into France of French Oriental subjects who came to assist the "mother-country", made the interracial problems more acute and attracted the attention of the jurists in the mother country. Especially the question as to what position awaited the French woman, who had married a native of a French colony or Protectorate, on her return with him to his native country not only stimulated the minds of the jurists but also demanded a practical solution.

The second reason was that the juridical conflicts which arose between the French law and the German law which was temporarily retained in ALSACE-LORRAINE, drew attention to relations in the colonies, which like these, also showed some conformity with those which were keeping the international private law busy and yet which could not be sheltered under that international private law ¹⁾.

One of SENEGAL's sons, LAMINE GUEYE, concentrated his efforts on these problems in a thesis defended by him in 1922 ²⁾. ROBERT FONVILLE includes remarks on this subject in his book entitled "De la condition en France et dans les colonies françaises des indigènes des protectorats français" (1924). MICHEL ELIESCO, a Rumanian, but an alumnus of the University of Paris, devotes considerable space to the subject in his thesis "Essai sur les conflits de lois, dans l'espace, sans conflit de souveraineté (les conflits d'annexion)" (1925). The preface to the work of HENRY SOLUS ³⁾ which was published recently gives the impression that the contents are mainly devoted to interracial law. In his Avant-propos the writer referring to his work says: "Son titre indique — qu' il a surtout pour but de résoudre les problèmes délicats que font naître les conflits de statuts nés du contact entre la loi française et la loi indigène". But although on numerous pages reference is made to interracial law, the rest is a disillusion for the student of this branch of law. The cause of this

¹⁾ See for instance Niboyet's "Conflits entre les lois françaises et les lois locales d'Alsace et Lorraine en droit privé (1922) p. 105; Pillet-Niboyet, Manuel de droit international privé (1924) p. 15/16-328; Surville, Cours élémentaire de droit international privé (1925), p. 55.

²⁾ De la situation politique des Sénégalais originaires des communes de plein exercice. Conséquences au point de vue du conflit des lois françaises et musulmanes en matière civile.

³⁾ Traité de la condition des indigènes en droit privé (1927).

is to be found in a confusion of tongues which it is advisable to call attention to as soon as possible before the shadow of the Tower of Babel falls on this branch of science. For this reason I will now ask your attention to SOLUS' explanations of his theory of the colonial public order.

SOLUS sees in the problem as to which law is applicable to the native population, after the territory in which they live has come under the domination of a Western power, a conflict between the native law and the law of the colonizing nation. Will the native law remain in force in that part of the French state, or will it be abolished and replaced by the French law of the mother-country? Will it only be necessary to make certain amendments? If so how far may these amendments go? It is a problem which is recognized by every colonizing power. And if it is adopted as a rule that, as regards the private law, the native law is retained, (one can then argue whether this is temporary or not) then a reserve is always made as regards the native laws and customs, which are so contrary to the juridical conceptions of the colonizing power that the latter cannot tolerate them even for the native population of the colony once this has come under its rule. The native custom may not be unreasonable, says the British Indian judge, hereby following his general theory on custom; it may not come in conflict with the "generally recognized principles of equity and justice" as the former art. 75 of the Fundamental Law of Netherlands India states; "nicht gegen die gesunde Vernunft verstossen" or conflict with "les principes de la civilisation française". And everywhere the writers use the example of polygamy, which is not unreasonable, or contrary to equity and justice or to the principles of French civilisation, to demonstrate that simple deviation from the Western law, but even the most fundamental principles thereof, is not sufficient to refuse the application of a rule of native law.

This reservation, which is of no great value in practice,¹⁾ is now compared by SOLUS to the exception of public order in international private law. This is incorrect — as the function of the exception of public order in international private law, which SOLUS has in mind, is to prevent, *in a concrete case*, the application of a foreign law which is claimed in accordance with a general rule of international private law.

¹⁾ Compare the four examples of Solus (Nos. 281-283 and 286) and also Van Vollenhoven "Het Adatrecht van Nederlandsch-Indië" II p. 382 ss.

But what we are concerned with here is *establishing the law for the native population* in the colony, not paralyzing a deviating law *in a certain case*. As soon as it has been settled that an institute of native law is in conflict with the principles of French civilisation and therefore, after the establishment of French rule, can no longer be tolerated, that institute is abolished. The native civil law is thus amended on the arrival of the French; the laws which previously applied to the natives *amongst themselves* are no longer in force. If we refer to this as a conflict between French and native law or rather between French and native juridical conceptions, it is necessary to point out that this is a totally different kind of conflict to that in international private law and in interracial law, whereby in a concrete case a choice has to be made between two law systems which are and remain applicable within various states or to various groups of the population for the ordinary juridical relations, encountered in these states or groups.

The same applies when SOLUS allows "l'ordre public colonial" to appear in a second function i.e. to *justify* the *introduction* into the colony of law institutes and rules for the native population, which are as yet unknown to the native law. It may be mentioned that the conception of public order here only assumes the meaning that it defines the demand that the law of the native population will not be interfered with by the introduction of new laws except when exceptional circumstances demand it. The Dutch legislator has in my opinion, suitably expressed this by expressing the wish that, except in cases where the common cause is at stake, only when the social needs of the native population demand it the colonial legislator may deviate from the Indonesian law ¹⁾.

However at the moment the question is that SOLUS here again draws a comparison with the international private law, which in my opinion does not hold water.

It is true that in every country there are private laws which are regarded as necessary to public order and for this reason are also applied to strangers, whereby the law of the stranger, which, according to a general rule of international private law, should be applied, is waived. But then the national law of the stranger is not annulled, neither is a new law introduced which is applicable to the strangers in their mutual juridical relations in their own country; it is only in this concrete case that the national law of the stranger is not applicable as a reaction to the fact that there is a

¹⁾ Art. 131 of the Netherlands Indian Constitution.

law of public order which demands application and which therefore excludes the foreign law.

What SOLUS calls the "conflit colonial" (in my opinion incorrectly) is totally different. It is, for instance, found desirable to introduce a registration of the civil status for the native population of a certain French colony. Is it now the regulation governing the registration in the mother-country that should be applied? No. It can, at the most be the same considerations, which led to the inauguration of the civil-status-registration in the mother-country, which, in the opinion of the writer, in the social interest of the colony must lead to the same institution. "L' intérêt social exige que l'individualité des indigènes, envisagés comme sujets de droits, puisse être établie en toute certitude et que l'état colonisateur puisse contrôler le mouvement de la population et assurer le recouvrement des impôts. L'ordre public colonial est intéressé. (p.321).

"The colonial public order" — in Netherlands India we should say, as far as the population statistics and the taxes are concerned: the common cause, and further the social needs of the native population, — demand, according to the writer, that the law of the population be supplemented, but there is no question of a conflict with the law of the mother-country and of a function of the public order, which can be compared to the operation of the public order in the international private law. In legislative work for the colonies the legislator sometimes has to choose between native and Western juridical conceptions. I admit that "se pose alors..... le problème de savoir si les institutions juridiques indigènes doivent être maintenues, pourquoi et lesquelles" ¹⁾). But this is a conflict in the bosom of the legislator, who is endeavouring to decide which law shall be applicable to the native population *amongst themselves*. Also when the judge decides what the principles of French civilisation or of equity and justice are, he does nothing but carry on the work of the legislator on the latter's instigation i.e. determine the law for the native group of the population. That consideration must be paid to Western and Eastern conceptions is of course correct, and it is one of the merits of SOLUS' book that, contrary to the strong inclination in France to force French law on the natives in the colonies, it pleads for respect for the native civil law, "sans arrière-pensée de provisoire" ²⁾). But the learned

¹⁾ page 187.

²⁾ page 433.

writer should not refer to the problem he was engaged upon as the colonial conflict of laws but as a problem of legislation for the native population.

If a judge is required to decide whether a rule of native customary law is, or is not contrary to the general principles of Western law, according to the colonial meaning of this formula, then the solution of this "conflit colonial" in the sense of SOLUS lies in the determination of the native law. But a colonial juridical conflict in the usual sense of the word, in the sense of an interracial case, will only occur when a juridical relation shows points of contact with both the native law (of which the contents have now been determined) and for instance the European law. If these two problems are both called "conflit colonial" confusion must follow and in SOLUS' book there is confusion on this point. To quote an instance: sub No. 286 (p. 320) the writer refers to a rule of Mohammedan law which excludes heretics from the inheritance of a Mohammedan. Is this rule contrary to the *ordre public* colonial? Not at all, says SOLUS, for as far as it concerns natives in mutual relation, but most certainly when it concerns "citoyens français" as heirs, who are subject to French civil law. Here the two problems are confused. In the first case there is a "conflit colonial" in the sense of SOLUS. The question is one of determining the contents of the native law. Did this Mohammedan law remain in force (for the natives mutually) when France took over the rule of the country and directed that all native laws which were contrary to the principles of French civilisation would automatically lose their validity? SOLUS replies in the affirmative. The second case, on the other hand, is an interracial "conflit colonial". A citizen français, subject to French law, is heir to a Mohammedan, to whom the native law is applicable. According to French law he can, and according to Mohammedan law (which as SOLUS has just stated remained in force for the native population of the colony) he cannot be heir: Which law, of which group of the population is applicable in this case?

A mixture of these two types of problems damages the scientific point of view. ¹⁾

¹⁾ Klein, *De la condition juridique des indigènes d'Algérie sous la domination française*, thesis 1906, referred in the same way as Solus, to a conflict between the native law and the private law of the mother-country. He was especially struck by the fact that the French laws "*d'ordre public international*" in the colonies had to make way, as he called it, for the native law, which, notwithstanding its contents were contrary to the public order, remained in force in French Algeria for the natives. (compare also

If we now turn to the problems of real interracial law and ask ourselves which point of view the French writers adopt in regard to this matter, the answer is that, when the French law is concerned in the conflict they generally place a higher value on the French law in comparison with the native law. This is particularly noticeable in the case of Algeria. On principle and positive legal grounds ¹⁾ it is taken for granted that, also for the native population, the French civil law is the rule and the native law the exception. Both MORAND ²⁾ and FONVILLE ³⁾ quote in concurrence BESSON's *Législation civile de l'Algérie* (p. 143): "pour tous les Français de l'Algérie, indigènes ou nationaux d'origine, il n'y a qu'une loi souveraine, à savoir la loi française", and they accept the conclusion which BESSON draws that if there is a conflict between the French and the native law preference must always be given to the French law. A French woman who marries an Algerian remains subject to French law as the Algerian exceptive law is not applicable to her. ⁴⁾ In case of conflict between the law of the wife and that of her husband, the former, being the general law is decisive. The personal statute of the woman does not recognize repudiation or polygamy: MORAND says "Dans ces conditions, la femme française ne peut être répudiée ni divorcée en dehors des cas prévus par la loi française, et, conformément aux dispositions de l'article 188 du Code civil, elle pourrait demander la nullité d'un mariage *postérieur au sien* contracté par le mari."

Larcher, *Législation Algér.* II,³ No. 600 p. 432/434, and Clunet 1908 p. 394; Mary op. cit. p. 38) — Eliesco introduces in his thesis the concept "ordre public d'assimilation", which shows considerable similarity with Solus' "ordre public colonial". Although Eliesco is full of enthusiasm for the "assimilation-principle" there are, in his theory, many points which are similar to those of Solus, and to which the latter pays little attention in his work. (see Solus op. cit. p. 7, note 3.)

For the rest there is the same confusion between the problem of the determination of the native law and that of the interracial conflicts. As one of many examples may be mentioned the note on page 368 in relation to the text.

¹⁾ Declaration by de Bourmont on July 5, 1830 (the maintenance of the native law was a favour). Decrees dated September 10, 1886 and April 17, 1889: the maintenance of native law is an exception. Neumeyer already paid full attention to this French point of view.

²⁾ *Revue de droit international privé* 1919 p. 226.

³⁾ op. cit. p. 101.

⁴⁾ Dito Larcher III, p. 406 note. Otherwise if no European is concerned: *ibid*, page 403 note 3 and Clunet 1919, 1068. Dito Klein op. cit. p. 40/41 and an editorial note in the *Revue de droit international privé* 1919 p. 230, 233.

The effect of Western influence.

It may be said that the French writers were restricted, as regards Algeria, to the law in force there and that it is therefore difficult to speak of a general point of view adopted by the French literature in regard to the interracial law. But this is only half true. The fact that the French writers see in the legislation of Algeria that the French law is there the general and normal law, is largely due to their view that the French law, being better and higher, will and should supersede the native law. Evidence of this is that ARMINJON, one of the few who does not share this opinion, gives another interpretation of the Algerian legislation ¹⁾, and that his opponents apply their theory of the conquering Western law to other French colonies, without appealing to any legal text.

I am therefore of opinion that ELIESCO, although a Rumanian, renders a correct representation of the French view, when he refers to the penetration of the French law as a means of spreading French civilisation. On the other hand where civilisation progresses the French law will gain influence. Where a choice has to be made between French and native law, the French law must, in the name of civilisation, be given preference. "Le droit, dont d'ailleurs la principale mission est de promouvoir la civilisation sera un des moyens, et non le moindre, que le souverain mettra en oeuvre pour étendre, entre les frontières de son Etat, le rayonnement de la civilisation supérieure. Ceci se traduira par l'extension progressive, au dépens des lois non civilisées, de la loi la plus savante, qui dans ce système joue le rôle de loi permanente. Il y aura donc dans ce cas une loi civilisée qui est destinée à devenir le droit commun, et coexistant avec elle, sur le territoire du même état, des lois inférieures destinées à disparaître et qui sont par conséquent des lois provisoires". ²⁾ ELIESCO refers to the interracial law as "Conflits entre lois de civilisation inégale".

It is therefore understandable that it is difficult to realise that this inferior native law could ever be applied to Europeans. "On ne peut concevoir, *quelle que soit la matière de droit* que le litige intéresse, que des civilisées soient obligées de se soumettre à des législations qu'ils considèrent comme grossières et barbares". ³⁾ KLEIN

¹⁾ See Arminjon, Clunet 1913 p. 819 (reprint p. 67). Conformably to what Solus wrote in 1927, Arminjon refers to "le principe fondamental du respect des institutions indigènes". He believes that this principle in Algeria "a inspiré toutes les réformes de la législation indigène et en explique l'imperfection". Solus does not mention Algeria in his work referred to above.

²⁾ Eliesco op. cit. p. 161.

³⁾ Eliesco, ibid. p. 162.

asks himself "comment souffrir que, à *quelque égard que ce soit*, un citoyen français soit soumis à autre chose qu'à nos lois?" ¹⁾ and FONVILLE for instance writes ²⁾ "il n'est pas possible de tolérer qu'il (sc. un indigène) puisse un jour, étant retourné dans le pays de protectorat dont il est originaire, traiter sa femme française comme il traiterait une femme indigène. Il est également difficile d'admettre que ses enfants naturels qu'il a eus d'une Française, perdent la qualité d'Européen pour subir une *deminutio capitis* et être traités en indigènes."

In this line of thought the French civil law at this moment is a better law for the native than his own law. He himself does not however realise this, and therefore it is practically impossible to do what was previously suggested i.e. to supplant with one movement the native law by the French law. But the colonizing nation has to use its utmost exertions in order to introduce the higher law as much as possible. It will do this in any case in mixed relations by making "la loi inférieure" give way to the dominating "loi civilisée" of the Europeans ³⁾.

Even SOLUS, who defends the principle that the adat law should be maintained as being the best law at the moment for the native, without the by-thought that it will soon be superseded by the higher, Western law, remains true to the superiority of the French law in conflicts of interracial law. He establishes this view in the French legislation and jurisprudence and then seeks reasons to justify it. For SOLUS, who does not regard the native law as exceptive law to the general French civil law, this is not an easy task.

"Il importe tout d'abord", he writes, "que le Français ou assimilé ne soit point privé du bénéfice de sa loi personnelle" ⁴⁾. ELIESCO might also have written this. But why does the Frenchman occupy this privileged position? It is a condition of the success of the colonisation. To make the European subject to a law which he does not know would, according to SOLUS, place a great obstruction in the way of trade between natives and Europeans. But why then is this not the case as soon as the native becomes subject to European law? It cannot be said that the European law is more accessible and understandable to the native than the native law to the European.

His second justification also misses ground. He says "When a native negotiates with an European, it may be assumed that the

¹⁾ op. cit. p. 101.

²⁾ op. cit. p. 97.

³⁾ Eliesco op. cit. p. 167.

⁴⁾ Solus op. cit. p. 285.

former silently submits to French law''. But why should this silent submission always be assumed on the side of the native and never on the side of his opponent. The European, as SOLUS has explained ¹⁾ can, according to French colonial law, voluntarily submit to native law. He compares this power to the well known autonomy of the parties in international private law ²⁾. But this comparison is untrue, if in all cases in which no express submission has taken place, apart from all circumstances, always the silent submission is taken for granted in respect of the law of one party i.e. of the European party.

By accepting the theory that the French law is the higher general law, the "raison écrite" for the colony, the solution of the French jurisprudence is obvious. But if this theory is rejected this solution is also no longer acceptable. In addition it must be pointed out that SOLUS in justifying the supremacy of the French law in the whole of the interracial law, makes it rather easy for himself by limiting his argumentation to "le droit des obligations qui est surtout en cause ici." His grounds of hampering trade and of silent voluntary submission are difficult to apply in connection with family and hereditary law and that a native who is run over by a Frenchman must look up the Code Civil to see what right of compensation he possesses can hardly be justified by an appeal to the interest of trade or on the ground of voluntary submission.

It is therefore typical of the difficulty which SOLUS has in finding supports for the French theory of interracial law that in another sphere wherein the French jurisprudence does not follow the same rules, according to whether an European is concerned or not i.e. in that of the jurisdiction of the courts, he endeavours to justify this jurisprudence in a way which reminds one of earlier colonial politics. Why is the European judge competent as soon as a Frenchman or assimilated person is party to the case or concerned in it? Why does the rule "actor sequitur forum rei" apply when a Frenchman is summonsed by a native and not in the opposite case even though the native court has been inaugurated by the French government? Why is the European judge competent in the case of the bankruptcy of a native, as soon as French creditors are concerned? Why when a native seizes goods in the hands of a Frenchman, to assure his claim on another native? Why in the case of a native ceding his claim on another native to a Frenchman and as soon as a Frenchman interferes in a case between them? ³⁾ SOLUS' main argument is that the

¹⁾ *ibid.* p. 285.

²⁾ SOLUS p. 287.

³⁾ SOLUS *op. cit.* No. 427 p. 458, 459.

interests of the Frenchman demand that he should not be parted from his natural judge, from the judge of his race. Too many important interests (i.e. of the Europeans) play a role here for the competency to be left to chance. The French plaintiff would be justified in being afraid to place his case before the native judge who — and the writer makes no difference whether the native courts are organized by the French Government or not — would probably not treat him with the necessary consideration (*bienveillance*) or who would fail to "arouse the necessary respect and confidence"¹⁾. On the other hand not a single word is devoted to the interests of the native inhabitants of the colony. That relegation of the native to the Western judge can mean "*déni de justice*" — LARCHER asserted it for Algeria²⁾ and it is the same in Netherlands India³⁾ — is ignored here; that the confidence of the native population in the native court is greater than that in the European court which for it is practically inaccessible, "is suppressed. The objections against the submission of the European to the authority of the native judge, which SOLUS sums up, are partly founded, but on the other hand there are just as many objections against the submission of the native to the European judicial authority. When they entered into an agreement they both had the same legal rights as equal parties. Why then should the interests of one of the parties be regarded as so much more important than those of the other, which are not taken into consideration at all?

I doubt whether SOLUS' justification of the above mentioned rules of competence will be highly appreciated in France. Up to now a basis for this rule was found in the generally adopted policy of assimilation, which was more satisfactory to the French sense of justice. If the French law is the general law and the native law the exceptional law does it not follow that the European judge is the normal judge and the native judge the exceptive judge and that therefore in doubtful cases, in conflicts of competence preference must be given to the former? But if the assimilation policy is rejected the interracial law must also be placed on a new basis. It appears to me to be just a mistake of SOLUS' valuable book that the writer endeavours to substitute the foundation of French interracial law,

¹⁾ Solus, *ibid*, p. 456 No. 425, with reference to Girault, *op. cit.* No. 289.

²⁾ *op. cit.* III, No. 893, p. 226.

³⁾ Compare for instance Nederburgh T. 80 (1903) p. 40 the (European) law of procedure..... is already a burden for the Europeans, but for the natives it is almost equal to a refusal of justice.

by another, but in the few pages that he devotes to the actual interracial law he makes no alteration in the upper structure. Assimilation policy and the French theory of interracial law are one. He who abandons the first must rebuild the second. Old stones from the period of self-interest policy can no longer support the structure and may even damage it. Whoever endorses GIRAULTS point of view "pour les indigènes de nos colonies, leurs coutumes constituent sans doute la meilleure législation puisque c'est celle qui est la mieux appropriée à leur situation", ¹⁾ and following in his footsteps, endeavours to enlarge on the strongly defended theory that therefore, "sans arrière-pensée", without the unexpressed thought that a gradual assimilation with the Western law must be aimed at, the native private law in principle should be respected — can no longer embrace a theory of interracial law, which emanates from the idea of a higher and lower law, as correct. It may be expected of him that he will throw a new light on the sphere of interracial law.

V

Interracial law problems are encountered in practically every colony, and in this sense the problem may be called international. But we must be careful not to draw the conclusion that one general, international solution is possible. Modern international private law has taught us that, after all, reference rules of conflict can be found only when we know the contents of the law systems which come into consideration for application. In interracial law, also, no concrete rules can be given without knowledge of the contents of the competitive rules, thus — to confine ourselves to this case — both of the European and native private laws. Both of these laws differ in the various colonies. For this reason it is impossible to design one general interracial law for the colonies of the Western powers.

Further it must not be forgotten that in many colonies, in regard to some points, rules of written or unwritten interracial law exist, which having been generally accepted in that colony, are for the moment regarded as correct. So for instance in Netherlands India it can be said that lands are subject to a certain statute, which remains the same irrespective of the owner ²⁾. For the last three centuries the Indonesian has been able to obtain so-called European

¹⁾ Op. cit. II, I, p. 492 (No. 288).

²⁾ The rule is affirmed by the High Court of Justice in a leading case, October 3, 1912, T. 99, 412.

land, which is registered in the European property registers. As regards his rights to that ground he is subject to European law. If he sells that ground to another native, the latter obtains by the transfer on European lines, the European property rights. On behalf of a third native European mortgage right can be established on it. By prescription, a fourth obtains the European property. It is always the legal status of the real estate, usually known by whether it is registered or not, which determines the law to be applied. On the other hand native land cannot be mortgaged to a European, but it can be given as surety, according to adat law, to the European money lenders. The European who inherits native land from his native mother ¹⁾, obtains native rights to it, and the native law is therefore applicable to him. SOLUS rejects this solution on general grounds ²⁾. This may be alright for the French colonies, but the solution is positive law in Netherlands India. In the same way NEDERBURGH rejects as impossible the system that is in force in a part of Algeria i.e. that the land according to the race of the successive owners is now governed by European law and then by adat ³⁾.

This does not mean that no benefit can be obtained from a study of the interracial laws of other colonies. By discounting all differences between the law and the legal conceptions of the native and the European population in our own and in foreign colonies, it would be possible to ascertain whether the motives which support the foreign interracial law could be adopted for own uses. It would be possible to benefit by the experiences of the foreign colonies. It is true that tremendous difficulties are in store here. To get acquainted with the private law of a foreign colony is a greater task than the study of the private law of a foreign country in Europe. The sources of the study of native law are more difficult to approach, the entire colonial law is more flexible than in the mother country and owing to frequent amendments often escape the writer. It is more difficult than in Europe to establish the actual meaning of the letter of the law for the colonial legal system; the jurisprudence is not so well collected and more difficult to reach. Should not each colony possess a specific sphere which especially influences the relations between the various groups of the population? An independent study of foreign colonial law on the basis of legislation and judicial decisions seems to me to be of little value. It is only on the basis of the foreign

¹⁾ In a case which is not provided for by Art. 284 of the civil Code.

²⁾ Op. cit. p. 253—256, No. 216.

³⁾ Nederburgh: *Eenige hoofdlijnen van het Nederlandsch-Indisch Staatsrecht*, 1923, p. 95.

writers, who are in the foreground in their own colony, that it is possible for a foreigner to obtain any real insight.

But before dealing with the question of the contents of foreign interracial law, another question must be put viz.: How is the problem regarded in the foreign colonies? With this question in view I have composed this article. Do and did people in the French, German and Dutch colonies always take the same position with regard to the conflict of European and native law? Is the general direction in which the solution is sought the same?

The theory which was defended in German literature until the war deprived Germany of her colonies, places the German interests in the foreground. Either the interests of the German colonists or the interests of the German mother-country. This point of view can no longer be defended. In a juridical conflict the interests of a certain group may not be regarded as *per sé* inferior. The time when it was regarded as right that everything in the colony should make way for the interests of the whites, is past. Their interests, viewed individually, are no higher than those of the natives, the interests of the mother-country stand on the same line with those of the colony and are subordinate to the interests of the State of which the mother-country and the colony both are parts. If we now seek rules of law for the interracial relations all thoughts of giving preference to one side or the other must be abandoned. "Nous n'aurons d'autre guide", writes Gueye, "que notre conscience et ce que nous croyons être l'expression de la vérité juridique, sans nous préoccuper de savoir si cette vérité nous est favorable ou non". ¹⁾

It was typical for France what SOLUS called "une tendance toute naturelle de notre esprit latin essentiellement assimilateur" ²⁾. The work of civilisation in the colonies means to the private law: the introduction of the French Code. It may be necessary to retain the inferior law for the time being — but education will teach the native to appreciate the higher value of the European law. The interracial juridical conflict is therefore a conflict between unequal legal systems.

Let me first lay down as a contrast the Netherlands Indian point of view. It was not until I had compared it with foreign conceptions that its characteristic struck me.

I will demonstrate it on the opinions of the writers mentioned above, but it is understood that they only express the same point

¹⁾ Thesis p. 3.

²⁾ Solus op. cit. p. 300.

of view which is adopted by the courts ¹⁾ and by the legislator ²⁾.

VAN DEN BERG denies that, without the interference of the legislator, to anyone a law could be applied which was not intended for the group he belongs to. Only in virtue of the interracial juridical relation no native law could therefore be applied to an European *but also* no European law could be applied to a native. And as soon as VAN DEN BERG occupies the chair of the legislator — in the State Commission which drew up the Mixed Marriages Regulation in 1896 — he draws up rules of interracial law which treat the European and the native and European law and native law as equal. If European law is applicable to a native woman who marries an European, then native law must be applied to an European woman who marries a native. ³⁾.

NEDERBURGH dreams of a general national law, which in my opinion is more than normally European tinted; when writing however about positive interracial law the rules of conflict which he proposes or approves, declare in the same manner the native law applicable to the European in the way as they declare in an analogous case the European law applicable to the native.

And ANDRÉ DE LA PORTE who calls in the help of the international private law to provide general rules for the interracial conflict law, also recognizes no exceptions. To him the European and the native law in interracial law are opposed to each other like the French and German law in international law, when public order is left out of consideration. There is no preference for either of them. There is no reason for accepting a rule if it aims at the application of the European law to a native and not if it makes the European subject to native law. If the rule is correct in the former case then it is also correct for the latter. It is always the same point of view in literature, in legislation and, a few exceptions omitted, in the jurisprudence of the courts.

The leading thought, which is accepted practically as a matter of course, is that in the interracial juridical conflict European and native laws must be regarded as equal. The former satisfies the needs

¹⁾ Comp. my analysis of the decisions of the High Court of Justice (Hooggerechtshof van Ned.-Indië) in interracial affairs in the Anniversary-book of the Royal Batavia Society of this year.

²⁾ See the most elaborate example from the few statutory regulations on interracial subjects: the Regulation on mixed marriages 1896, quoted above.

³⁾ The latter was already possible under art. 12 and 13 of the Regulation of 1861 S. 38 governing the marriages between Christian natives and Europeans in the Moluccas.

of the European community best, the latter those of the natives. Alone — separated from the groups to which they apply — the two legal systems cannot be compared to each other. "Das Recht nämlich hat kein Daseyn für sich, seyn Wesen vielmehr ist das Leben der Menschen selbst, von einer besondern Seite angesehen" ¹⁾). To speak of a higher law in the absolute sense, therefore, does not hold ground. Preference for one law above the other can only rest on grounds, which are provided by the nature of the interracial juridical relations, and can lean then just as much towards one law as to the other. ²⁾ An exception perhaps may only be made in the case, that in the opinion of a group of the population its own law, for certain interracial relations, is not entitled to equal application with that of another group, which for instance may be the case when a new juridical conviction, which is in process of formation, approaches the other group law.

Here also comparison with the international private law can lead us on a wrong track. There a standard exists by which the foreign law can be measured i.e. the internal law. There, preference for the own local law or for the principles which support it, can lead to the staving off of the foreign law; the theory usually refers to the effect of public order. But this touchstone of the own law is lacking in interracial law. The European and the native law both are for the Netherlands Indian judge his own laws. The European not more so than the native law; the judge regards the law of both groups as equal in every respect. The race whereto in a certain case the judge belongs cannot have any influence. Sometimes the "European" judge in Netherlands India (i.e. the judge before whom an European defendant is to be summoned) is an Indonesian, and in the future this will be the case more and more; the "native" courts now exist for a large part of native members and European presidents. Should the decision differ according to whether the law of the group whereto the judge belongs by race is the European or the native law?

Here again the necessity is shown of distinguishing the problem of establishing the law for the various groups of the population from the problem of interracial law. In the first problem there is room for the question as to how far Western juridical conceptions must, may and can extend their influence. Here there is a field for discus-

¹⁾ Savigny; Vom Beruf (Neudruck nach der dritten Auflage 1892 p. 18).

²⁾ Neumeyer did also move this opinion but it was destroyed by himself in the concluding pages of his article.

sion of the point *whether* there are Western principles which the European on the strength of his conviction,— and on the strength of the obligations which he feels that rest upon him as co-administrator of the colonial territory — must endeavour to introduce to the native population. It is in this field that SOLUS fights his battle; in this field NEDERBURGH defends his European-tinted general indian law and in it the observation can be placed and combated, for it is partly correct and partly incorrect, that owing to the changes which occur in the native community the juridical conceptions of the natives are rapidly approaching those of the Europeans.

But, once again, he who seeks the solution of an *interracial* juridical conflict must proceed with the thought that at the moment there is a certain law for the native population. It is not his task to re-establish that law for that group of the population or to reform or improve it. There exists in the colony a law for the native population to which the judge is bound just as much as to the law for Europeans, and which he should take equally to heart. Therefore he may not, in interracial law show partiality towards either an European or a native point of view.

To return to France; will they, there, under the influence of writers like ARMINJON, GIRAULT and SOLUS, view the problem in the same way as in Netherlands India? Increased interest for a serious study of native law, which GIRAULT and SOLUS urge, may affect the belief in the absolute superiority of the French law and limit the French assimilation policy, which aims at "cette assimilation des indigènes aux Français d'origine".¹⁾

I therefore expect that the thought which is now developing, that the native has the right to demand respect for his laws and his juridical conceptions in the same way as the European demands it²⁾ will not fail to influence the French interracial law. How could it be otherwise when we notice that the principle which is adopted by some French writers opposite to the assimilation policy of their country, is the same as the principle, which I could quote in Netherlands India as the leading thought, be it often undefined, of divergent theories of various writers, of the chief fragment of legislation and of judicial decisions on interracial law. The science of international

¹⁾ Larcher, op. cit. II p. 471, No. 614 for Algeria.

²⁾ Compare Girault II,1, p. 486 No. 286, on native property and hereditary law: "Enfin, en se plaçant à un point de vue plus élevé, on peut dire que le même respect qui est dû à la vie et à la liberté des indigènes parce qu'ils sont des hommes au même titre que nous, est dû également à leurs croyances et à leurs institutions."

private law has taught us not to be too hasty with general theories. It would be a great advantage for its younger sister if consensus of legal opinion was obtained on this point that, for the solution of the interracial juridical conflict, the laws, with which the interracial juridical relations show points of contact, must be regarded as equal.

Batavia, 21 April, 1928.

NATIVE SOCIETY IN THE TRANSFORMATION PERIOD

BY

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In the preceeding essays the question of "The effect of Western influence on native civilisations" has been viewed from so many sides that it does not seem to be necessary to summarise them here and..... to lapse into repetitions. Where isolated primitive genealogical or territorially-organised communities are concerned, we find the controlling intervention of the administration is exercising a „destructive" influence. Cruel practices such as head hunting, and trial by ordeal of sorcerers, witches and were-wolves, are prohibited and punished and these prohibitive regulations undermine the religious world of imagination (KRUYT). The prohibition of slavery and hostages affects the social structure. The needs of the administration which united the small isolated communities in a larger group, do not permit a half-nomadic existence; they promote a new method of production and interfere with the juridical and administrative authority of the traditional headmen who as *primi inter pares* have hitherto been dependent on the concurrence and recognition of their fellows, but who now have to issue orders as instruments of a superior authority. The needs of the European administration and the promotion of the public welfare lead to the opening up of the country for which, in the beginning, forced labour is necessary. Also, where primitive communities in the olden days formed part of native principalities and forced labour was known before the arrival of the Europeans, these new burdens are different, in principle, from the old ones: they have developed from an irregular, temporary and sometimes excessive burden from which, under the old conditions, one tried to escape with more or less success, into an obligation, the carrying out of which is subjected to a strict control. While arbitra-

1) The author wishes to express his thanks to Sir Josiah Crosby for his kindness in reading over the English text of this contribution.

ness ruled in the olden days, that arbitrariness was distinctly human; there existed between the ruler and his subjects a kind of patriarchal familiarity. This factor disappears more and more under the cold, business-like, impersonal relations between the Government and the people. The gulf is widened by the fundamental difference in their views. The Government measures are founded on considerations which are strange to the people. As a result of the controlling intervention of the Government, for administrative, economic or hygienic reasons, the charm of the old care-free existence is lost to many — an existence which is too often idealised. From our point of view, however, the old state of affairs was anything but ideal; partly as a result of the non-existence of transport facilities the population of the interior was powerless against epidemics, famine and exploitation by the more sophisticated coast population and by the powerful. But it is human to idealize that which we lack and not what we enjoy. Cares and needs are formed only by what man *subjectively* feels as such, not by what custom has taught him to accept as being inherent in life. Kruyt has shown us that the primitive Toradjas at first pined away under the loss of their traditional environment.

The opening up of the country and the liability to taxation bring with them the monetary system, which causes a complete revolution in the outlook on life. Production is no longer only a "provident institution" and acquires another object than that of mere consumption. The old society had only one aim: to leave matters as previous generations had formed them. The head-man was expected to maintain the customary law and everybody was willing to help him to that end. For this reason society bore a predominatingly static character. Nobody thought of the advancement of the community, for nobody aspired to "progress". There was no competition, no stimulus to improvement, no desire for a better and more comfortable existence. Instead of working for profit and advancement, men preferred to tread in the path of their fathers, which was hallowed by religion. In this way it was difficult for the individual to come by his rights. By living in the midst of one's own family, one continued to regard oneself as a dependent part of a closely connected group. One thought, felt and spoke in the same manner as the rest of the family; the opinion of the family was also that of each individual member. There was no competition and there was no need for a market. There was no inducement to exert one's self in order to produce more than was necessary for immediate consumption, for the reason that any surplus would have been seized by others. In accordance with the ruling ethical standards, those, who, by their own exertions, succeeded in

obtaining more than the others, were forced to give that surplus to the community for fear of being denounced as misers. A rationally organised agricultural industry which aimed at making profits, was, under these circumstances, regarded as immoral.

This traditional mentality is now gradually being broken under the influence of the opening up of the country, the introduction of the monetary system and the cultivation of commercial crops. The spread of the monetary system is aided by the necessity for paying taxes in money and by the fact that all new needs created by contact with the outer world, can only be satisfied with money.

Society is gradually losing its static character. If the idea of "progress" is to find favour, the spirit of society *must* change, the traditional economic and social ethic *must* be broken and new standards *must* be created. Then the stimulus to effort is created, the sense of responsibility and the desire to devote one's self to something, the fruits of which will be reaped by the person in question, are awakened. The division of the family possessions necessarily assumes a more permanent character and the individual wishes freely to dispose of his own earnings. The demand for a law of inheritance for the children is heard in genealogical communities, as for instance that of the matriarchal Minangkabau, where the self-earned wealth of the individual used to pass to the undivided family possessions on his death. As a matter of fact the economic and social necessity for the group to remain closely connected, no longer exists. The individual is no longer as helpless as he used to be, now that the need for unity in cases of vendetta has died out. The feeling of dependence on the group decreases — money provides everything —, the house community is dissolved, for it is a hindrance especially when there are differences in financial circumstances. The greater families are more and more split up into individual households. Instead of the traditional family house we see houses springing up for the respective household units. The communal sense weakens. This growing individualism is further promoted by the tax system which concerns itself only with individuals and not with families, as also by Institutions of Popular Credit.

The "progress" of the native society, the emancipation of the individual, is in conflict with the unity of the traditional society. If the individual is to win for himself a place in the sun, then he *must* break away from it. The ancient authority of the head-men, in so far as it has been retained in the new order of things, cannot hold its ground. The social structure is not unaffected, because differences in financial circumstances become more emphasized and commence

to exert their influence. The old social forms begin to decay; a new social appreciation is breaking its way through.

The awakening individualism and the need for money also affect the question of landed property. Genealogical head-men — the traditional administrators of the undivided family possessions — assume the disposition over them. Supported by the administration, of which they are the instruments, they begin to exhibit feudal tendencies in so far as the presence of an autocratic administration allows of it. Mortgaging of the ground is on the increase for purposes which the old customary law never recognised. Even the sale of ground — which was forbidden by customary law — is becoming more and more usual. The division of the family lands, of which the members of the family each receive a share to look after, assumes a more permanent character. In short the ownership of the soil becomes looser and this fact also creates a new differentiation in society. Symptoms of an agrarian revolution then appear. It is a natural process which cannot be checked.

It is natural that the phenomena outlined above should not appear everywhere to the same degree. The traditional isolation has not been so radically ended everywhere. A distinct difference is observable between districts where the cultivation of rice preponderates and those where chiefly commercial crops are grown. We have here to do with a change in the system of production i.e. from production for one's own or local consumption to production for the market — the world market.

No matter how slowly this process takes place, it is inevitable that this breaking up of the traditional isolated society, this decay of the traditional social and ethical forms, should exert its influence on the psyche of the people. The sense of right in the individual revolts against this process. Where the process has already made rapid strides, it causes a feeling of distress, a vague notion of unfair suppression, of exploitation. With a people for which, in many places, money is still purely an article of consumption or, until a short time ago, was only a store of value and not a source of profit or a medium of exchange, which has no eye for the economic process occurring and which, after all, only feels dispossessed — with such a people the frequent careless sale and mortgaging of ground gives rise to an angry displeasure, to a wounding of the traditional sense of right. The rancour contained herein comes from a realisation of impotence. This feeling has come into conflict with the moral foundations underlying the solidarity of the old judicial order. The new relations, of which one felt one was the dupe, are

discovered, on the other hand, to be supported by the Government and the machinery of the law.

It is a collision between ideology and stern reality. The peculiarity of the present stage of development is that the old and the new exist beside one another without being brought into harmony. This creates a spiritual loss of balance.

From the above it will be seen that the opinion which, at the present day, is so often expressed, that the Western educational system is the original cause of the "unrest" in native society, is not supported by facts.

I am the last person to underestimate the influence of education. The nearly 18,000 native elementary ¹⁾ and primary schools ²⁾ with courses of 2 or 3 year and of 7 year, respectively, whose existence is due to Government or private initiative, undoubtedly broaden the spiritual horizon. The so-called Dutch-Native schools ³⁾ (native education on Western lines with Dutch as the medium of instruction) which, via the 3 or 4 year post-primary school and the 3 year secondary instruction, lead up to a University training, also do this to a much greater degree.

But for the present stage of development of native society in the Outer Provinces (outside of Java) the school is only of secondary importance.

Native society, still only slightly developed in a capitalistic direction, offers the better-educated very few prospects. Especially in districts such as the West Coast of Sumatra and the Batak Lands it is the less well-situated who try to improve their chances in the struggle for life by taking advantage of a school training. They have no capital with which to get on their own account and the general education which they have received does not fit them for any special trade. They therefore emigrate from their country to seek administrative positions with the Government or on European agricultural estates. In the adjoining Residencies, where there is not sufficient trained labour available, they find work, so that their intellectual equipment does not profit their own people. The European estates have also exercised so far a comparatively slight influence on the native societies among which they lie as enclaves, for the reason that they usually make use of imported labour.

Here the contrast with Java is very striking. The

¹⁾ Total number of scholars (1927) about 1.400.000.

²⁾ Total number of scholars (1927) about 340.000.

³⁾ Total number of scholars (1927) 66.000.

contribution by MEYER RANNEFT throws some light on it. The interaction between the native and the European societies is here relatively much stronger and the educational factor also plays a much greater rôle. There are mainly two causes which explain the overwhelming desire for education on Western lines. One cause is of an economic nature. In view of the smallness of the average income of the native population, it is not surprising that the people, by collecting Western knowledge, try to assure for themselves a position in the Western economic sphere. The native primary schools with Dutch as the medium of instruction have, however, become so popular that the students, in the course of a few years, have lost the unique value which they possessed for the Government services and for Western industries. (The foundation and rapid development of this form of education coincided with the period of expansion of Government care for the people and of private enterprise.) An investigation has shown that former students now have to be satisfied with much inferior positions than were originally contemplated. In this way they have, on the one hand, ousted the students of the 7 year primary schools ¹⁾.

On the other hand they are beginning to feel the competition of the students of the post-primary schools. Thus, slowly, a shifting process is going on, for the reason that the number of positions which they originally had in view is comparatively limited. Notwithstanding this fact, the difference between the income they can earn and that of the average man is so great, that the demand for this form of education is still maintained. Further it is noticeable that as the supply of this category of labour becomes greater, preference is given to Western-educated personnel for various positions for which, previously, a knowledge of Dutch was not considered necessary, without, however, any increase in the remuneration. This phenomenon is directly connected with the expansion of the special (Government) services, the intensification of the task of the Administration, the greater demands which are made on the native Civil Service and the great increase in the number of Europeans entering this country during the last two decades.

These factors do not, however, explain altogether the demand for education on Western lines in the native and mixed schools. Those who send their children to these schools are, partly consciously and partly unconsciously moved to do so by the desire to make their

¹⁾ Owing to their lower standard of living they are satisfied with a smaller remuneration and in this way they are ousting the Eurasians from the lower administrative positions.

children the equals of the Europeans. It is for this reason that the greater number of those who have successfully passed through the 7 year primary school with Dutch as the medium of instruction, — if it is financially at all possible — endeavour to proceed with advanced education so as to reach the university, which is maintained on the European level and therefore also determines the standard of secondary education.

Here we make the acquaintance of an interesting psychological phenomenon, which happened in the 19th. century during the growth of the labour movement. It has been studied, among others,¹⁾ by H. DE MAN, who, with the help of the Freudian method, has tried to analyse it and by G. ROFFENSTEIN who, on the other hand, tries to approach it with ALFRED ADLER's individual psychology. The phenomenon in question is the inferiority complex which easily leads to sensitiveness, peevishness and irritability, to a feeling of being encroached upon, of being wronged. This leads again through the mechanism of compensation, to the rejection of every form of dependence, to resistance against every form of subordination, to an often exaggerated strengthening of self-consciousness and to non-cooperation. The humiliating feeling of inequality is compensated by self-exaltation.

In this way ROFFENSTEIN, following ADLER, analyses the feelings of resentment which arise in every country where the possibilities of the less-favoured classes are limited.

H. DE MAN, on the basis of the Freudian psycho-analysis also comes to the same conclusions. The social inferiority complex is the product of a repeated or chronic hindrance to self-esteem. It is actuated from latency and charged with energy by every feeling of belittlement of the ego in our own eyes. In this way rancour accumulates against the real or imagined causes of such belittlement, rancour which tries to express itself in conscious acts which are meant to remove the causes of this condition and to free the subject from

¹⁾ See also G. BRIEFS, *Das gewerbliche Proletariat* (Grundriss der Sozialökonomik IX 1, p. 176 sqq.); BERNSTEIN, *Arbeiterbewegung*; LEVENSTEIN, *Arbeiterfrage* (1912), p. 144, 154; MICHELS, *Psychologie der antikapitalistischen Massenbewegungen* (Grundriss IX 1, p. 241 sqq.); E. LEDERER, *Zum sozialpsychischen Habitus der Gegenwart* (*Arch. f. Soz.-wiss. u. Soz.-pol.* 46 p. 118, sqq.); L. C. A. KNOWLES, *The Industrial and commercial revolutions in Great Britain during the 19th. century* (3. ed. 1924), p. 83, 90, 97-98; SULZBACH, *Arch. f. Soz.-wiss. u. Soz. pol.* 59, 387; cf. MAX. SCHULER, *Abhandlungen und Aufsätze* (Leipzig 1915); GERTRUD HERMES, *Die geistige Gestalt des marxistischen Arbeiters und die Arbeiterbildungsfrage* (1926), p. 51 — 242.

his negative self-esteem. The social realisation of inferiority reveals itself then, not so much as psychic subjection and resignation, but more as a desire for freedom, i.e. freedom from everything which hinders the development of self-esteem.

So also in the French revolution, according to AULARD and TAINÉ, the desire for equality played a greater rôle than that for freedom. This resentment is stimulated by the prejudices which the other party cherishes and the behaviour resulting from those prejudices. While, in Europe, it was a question of class prejudice, in this country we have the added factor of racial feeling.

In its strongest form this conflict reveals itself as it did in the France of 1848, when it was said of the people: "Toute richesse lui semblait mal acquise, toute prérogative injuste, tout pouvoir exercé à son détriment". The discontent is inflamed by the idea that the individual is the victim of social injustice. The human happiness of a society which is in course of transformation is determined by the object of comparison chosen. We compare our conditions of life not with those existing centuries ago but with those of our own contemporaries. Furthermore it is not, in the first place, the conditions themselves which prompt men to action, but the *opinions* of others as to the conditions. These opinions may be founded or unfounded, but as political factors they are, in any case, a reality. Moreover, "Public opinion is usually the flattering substitute for private opinions and *public emotions*" (LOWELL). "The empirical art of politics consists largely in the creation of opinion by the deliberate exploitation of sub-conscious non-rational inference" (GRAHAM WALLAS).

It is this phenomenon which is indicated in popular and simple fashion by the name of nationalism, but in it distinct parallels with phenomena such as the rise of "the third class" and the labour movement can be distinguished. For example, this is the case with the action of the intellectuals against the feudal remains subsisting in the native society of Java.

The inferiority complex, which is of such preponderating importance to so-called nationalism, expresses itself, as mentioned above, in two directions. The first is the *desire for assimilation with the European group of the population*. (The Government endeavours to meet that desire by prescribing that equal remuneration is to be paid for equal qualifications.) Where, under the present colonial relations, the West determines social standards, education bears a Western character. The unavoidable result is that the education of the natives in this manner is inharmonious. The desire for assimilation arouses the desire for equal education, with that of the Europeans, if necessary by

neglecting the teaching of the native languages, etc., since the study of the latter is regarded as an impediment to obtaining as great a quantity of Western knowledge as possible. In aiming at assimilation the individual's own culture is purposely neglected and there is even a feeling of enmity against those elements in his own cultural inheritance which appear to stand in the way of this object — an object which, under the present political constellation, is regarded as of primary importance.

This movement might be indicated by the name social- or political nationalism. Lately, the circles in question have begun to realise that if the object is to be attained, the economic basis must also not be lacking.

The second tendency is that in which the realisation of inferiority is compensated by a self-exaltation, by a higher and often exaggerated self-appreciation. We might indicate this tendency by the name of cultural nationalism.

Here again resentment is directed against everything which seems to stand in the way of the individual's own cultural values. Criticism is exercised against any form of education which estranges the children of the people from their own culture. A nationalist education is demanded, but it is not always sufficiently realised that the present society is of a dual character and that, if the educational system is to be of practical value, it must take the character of the community into consideration.

The greatest difficulty is to find a synthesis which will provide a harmonious education but which will also not leave the people helplessly at the mercy of present society.

Both tendencies have their promoters who call themselves nationalists. Both tendencies have their spheres of influence which for the greater part overlap.

The manner in which the social inferiority complex reacts depends on the social stimulus of the moment and this determines which of the two movements, the social or the cultural nationalism shall have the upperhand at a given time.

Here again we see that education occupies a secondary place in the process of transformation, although in the present educational system the synthesis has not yet been realised. There are actually still two imaginary worlds — i.e. that of the school and that of the home. The great significance of education is that it widens the horizon, does away with isolation and opens up the mind, making it receptive to new ideas and intellectual currents from outside. The social and economic development of native society has not, however, kept

pace with the intellectual development of the younger generation. The needs of the Western element, which, in a colonial society, assumes the leadership and fixes the standards, exercise, however, a draining influence on native society: The Government services recruit their personnel from everywhere, transfer it where they wish and remove it from its traditional environment. The Western industries draw the people they require to the industrial centres. In the large centres we see an increasing number of those who are seeking work and who have had a school education. Economic considerations have suddenly intruded themselves to some extent in the realm of primitive ethic. This breaking away from the old milieu exercises a destructive influence on the old moral and social conceptions. The old values have, for the majority, no longer their previous significance, while the education of these people has given them no new standards. This influence also penetrates outside the Western sphere: in religious matters we see new movements which are forcing a way for themselves and are taking up arms against the traditional conceptions.

The draining influence, which the Western factor in a colonial society exerts on the native community, causes directly or indirectly, the formation of new classes in that society (small holders, labourers, intellectuals).

The old social classes are also affected. The hand-weaver is threatened with extinction and the brass-worker can no longer ply his craft. The old-type handicraftsman and small merchant are obviously menaced by modern industrial and business methods. It is not merely a change in technique, but a fundamental difference in the outlook on life, which is involved.

To the old society, the speed, system and discipline of our economic life are painfully repugnant and adaption can, at best, be effected only very slowly and under the compulsion of the direst necessity. Think of the dislocation which this sudden change has brought about, of the many who can no longer follow their ancestral vocations, of the commotion which a less profound change produced in Europe, and you will understand what is the motive power behind the unrest in native society. Is it a wonder that many ascribe their troubles, not to the process of economic transition, but to the political control of a European Government?

Similar is the case of the old feudal class which is being transformed into an ever growing corps of officials. Although, on the one side, the new era forces them to a life at a faster pace and although more and more efficiency is demanded of them (the era of an easy-going life with virtually no thought of such matters as time, efficiency

and output has passed) — on the other side, they impart elements of the old feudal tradition to the personnel of the new technical services.

The contact with the West causes, therefore, an economic, intellectual, spiritual and social revolution in native society.

• For those, who participate in the transformation process from close at hand, there is the danger, on the one side, of being swept along in the turmoil of undigested ideas and prevailing public emotions, and on the other side, of regarding the features of the transition period as a permanent phenomenon and of becoming a helpless *laudator temporis acti*.
